CIVICS OF PENNSYLVANIA

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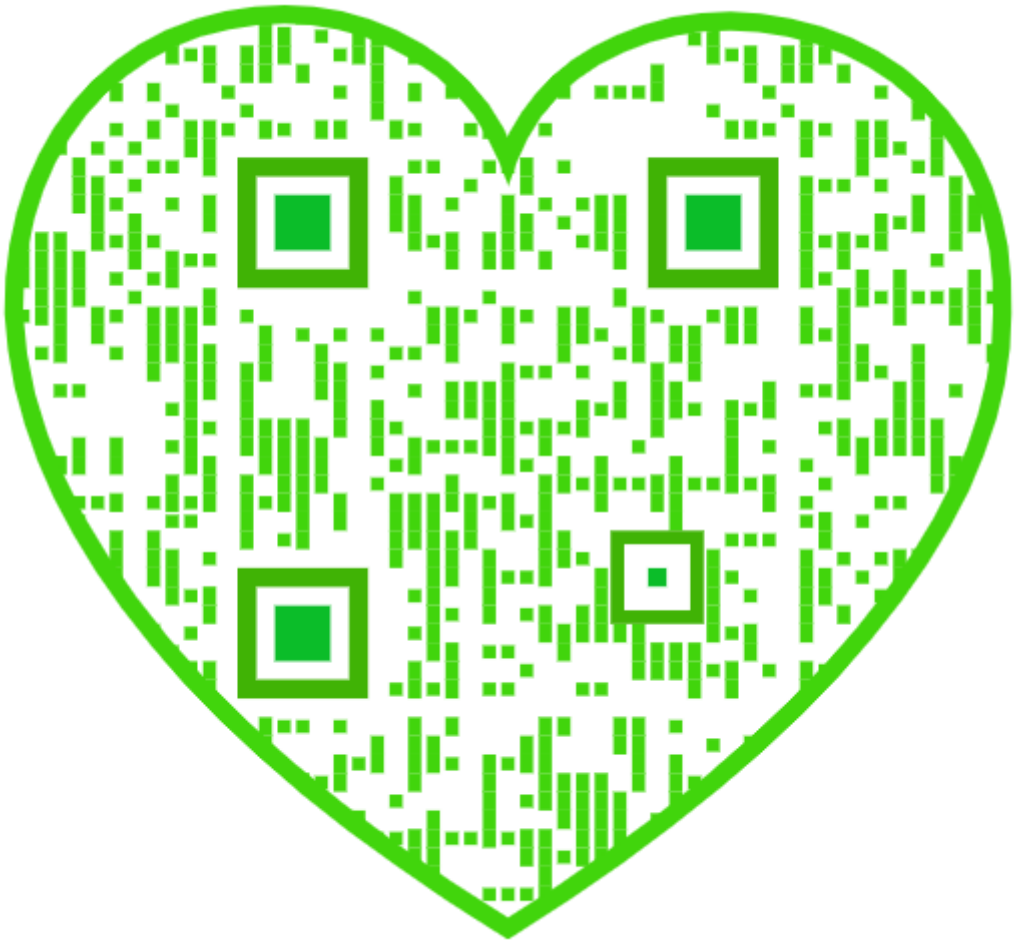

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CIVICS OF PENNSYLVANIA

BY

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BOSTON · NEW YORK · CHICAGO · LONDON

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The Athenæum Press
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PREFACE

Civil government has been looked upon generally as the science of national activity. Not only has the state as a governing authority received little attention, but its relation to the nation has been viewed in a distorted perspective. Naturally the student has come to look on state sovereignty and national supremacy as wholly external to himself, and apart from each other, instead of consonant elements in a great system. An examination of the powers exercised and the duties rendered by those local organs with which he is more or less acquainted by actual contact will enable him to place both sovereignties in their proper positions with reference to each other. While this brief exposition of the government of Pennsylvania has been prepared to serve as a supplement for those who are already familiar with the important elements of civics, its further purpose is to aid the student to understand the details of our complete coördinate system of government.

WARD W. PIERSON

UNIVERSITY OF PENNSYLVANIA
September, 1906

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CIVICS OF PENNSYLVANIA

CHAPTER I

PROPRIETARY GOVERNMENT

Establishment. To William Penn and his co-religionists, the Friends, belongs the full credit of having successfully established the colony of Pennsylvania, but several years before his arrival both the Swedish and Dutch settlers had crossed the Delaware and established their homes along its western bank. It remained, however, for the Society of Friends, the Moravians, and Mennonites, and other religious sects seeking freedom from persecution, together with the frugal German colonists, to put the new province upon a firm basis.

Although the customs peculiar to the Quakers seem strange, it is to those customs, still kept alive in a small measure, that Pennsylvania owes its distinctive individuality as a state. The Quakers drank no healths. The use of tobacco in any form was discouraged.[1] Attempts at ornamentation were viewed with suspicion because frivolous, and anything of this nature the Quaker considered to be injurious. They disapproved of dancing, swordplay, and field sports. Members of the Society always recommended silence, by example as well as by precept. The Quaker creed was to revere principles and not titles or preëminence. "They," said Oliver

[1] A man found smoking in the streets of Philadelphia was fined twelve pence and admonished not to repeat the offense.

Cromwell, "are a people whom I cannot win with gifts, honors, or places." [1] While the citizens of Pennsylvania at the present time retain much of the Quaker conservatism, the other characteristics of the people who came to form the new colony have largely been lost.

William Penn. Every one knows how William Penn, the son of a wealthy and successful sailor, became the zealous leader of a despised and persecuted sect, and how he became a favorite at the king's court. He combined all the qualities of a courtier, a religious fanatic, and a shrewd man of the world. At the same time he was liberal-minded, prudent, and just. His interest in colonization, which led to the founding of Pennsylvania, was first aroused when he began to take an active part in regulating the confused affairs of New Jersey, where a considerable number of Quakers had already settled.

Reasons for Founding. Three reasons for founding the colony of Pennsylvania stand out plainly: (*a*) William Penn would thereby secure land for a colony in payment of a debt due his father, Admiral Penn, from the crown. (*b*) He would thus be able to escape persecution, which had borne heavily upon him, and at the same time find a quiet home for his Quakers. (*c*) The accounts of the new country had created in him a strong desire for adventure. It was in the early summer of 1680 that Penn sent his petition to the king, Charles II, asking that in place of approximately eleven thousand pounds, representing losses his father had sustained in Ireland in the service of the king, a tract of land lying west of the Delaware River be granted him for a settlement. The

[1] Penn's father once desired that his son remove his hat in the presence of three persons. Penn replied, "Neither to my father, the duke, nor the king."

king consented and granted a charter on March 4, 1681, thereby giving to Penn, his heirs, and assigns forever forty thousand square miles of territory.

Penn believed in treating the Indians fairly, and so he made a purchase treaty with them, paying a fair price for their land in ornaments, guns, etc. In measuring the land so purchased, trained walkers were employed, which caused much dissatisfaction on the part of the Indians, but they did not break their agreement. In fact, this treaty bears the distinction of being the only one made between the colonists and the original Americans which was never broken. By the royal charter, Penn and his heirs were given full power to govern and to make ordinances for government, subject to the single exception that such ordinances must be agreeable to the laws of England.

During April, 1681, Penn obtained from the king an order to those already settled in the land covered by his grant "to yield all due obedience to their new governor." Several commissioners were at once sent out to the new colony under the leadership of William Markham, Penn's cousin. As deputy governor, he had authority to appoint a council of nine persons to proclaim the king's order, establish courts, appoint officers, adjust boundaries, and in general set the machinery of government in motion. Three ships preceded Penn, who did not set sail until the autumn of 1682, arriving at the mouth of the Delaware about the first of November.

Frame of Government. It was necessary at the outset that the purchasers should know something of the political constitution under which they were to live. Accordingly, Penn

drew up a Frame of Government which was published in 1682.[1] This Frame consisted of twenty-four articles and forty laws.[2] The government was to be just and righteous in conformity with Quaker principles. It was to be a government to which the people were a party. Liberty of conscience was granted to all. Capital punishment was to be inflicted for murder and treason only; other penalties were imposed on the theory of reformation and not of retaliation. Trial by jury was assured not only to white men but to Indians as well. The whole scheme was built on the principle that government depends upon men, not men upon government. "Let men be good, and the government cannot be bad. Though good laws do well, good men do better. Good men will never want good laws nor suffer ill ones." The government was vested in the governor and freemen of the province. The freemen were to elect by ballot a Provincial Council and a General Assembly. The former was to consist of seventy-two members[3] to serve for a term of three years, — a third part to be renewed each year ; the latter, of all the freemen the first year when the Frame was to be accepted, and of two hundred of them the next year, the number being increased as the population increased, but not to exceed five hundred. The governor was to be the perpetual president of the Pro-

[1] This Frame of Government bears the date of April 25, 1682.

[2] The forty laws "agreed upon in England by the governor and diverse freemen of the province" are dated May 3, 1682. The substance of these laws was enacted by the First and Second Assembly, which met immediately after Penn's arrival.

[3] This number was reduced to 36, then to 18, and finally discontinued in 1701 as an elective body. For a while the authority was centered in the body as a whole, then in the deputy governor only, being transferred from one to the other several times.

vincial Council and to have a treble vote. Two thirds of the Council were necessary to make a quorum, and two thirds of this quorum necessary to pass on all matters of importance. This body, with the governor as its president, was empowered to propose and lay before the General Assembly all bills that it thought should be enacted into laws.

Penn visited his colony for the first time in 1682. He found a treaty of friendship had already been completed, and a tract of land purchased. One of his first acts was to call an Assembly.[1] This he accomplished by issuing writs to the sheriffs of the three lower counties (now Delaware), directing them to summon all freeholders to a conference. Penn presented to the Assembly the laws agreed upon in England[2] and ninety others, most of which were embodied in the "Great Law"[3] of the province of Pennsylvania. This law allowed freedom of worship to all that acknowledged one God. Any one to be an elector, or officer, or member of the Provincial Council, was required to be a believer. He was also required to be twenty-one years of age, and must not have been convicted of any crime or judged "unsober." Card-playing, scolding, lying, health-drinking, etc., were prohibited. All children were to be taught some useful trade, "so that none might come to want." Prisons were to be considered workshops, where offenders might be industriously and morally

[1] When this Assembly met, Nicholas Moore, president of the Free Society of Traders of Pennsylvania, was chosen speaker. All the business transacted was completed in three days, a most commendable example. Cornell, "History of Pennsylvania," 95.

[2] Penn had drawn up "certain conditions and concessions to be agreed upon by William Penn and those who may become adventurers and purchasers in the same province."

[3] Passed at Chester, December 7, 1682.

employed. Courts were erected by the governor and Council. Duplicates of all laws were to be sent to the Privy Council in England within five years after their enactment, and, if not vetoed within six years after their receipt, they were to remain in full force. In behalf of the Indians, it was stipulated that whatever was sold them should be in the public market place, if good to pass; if not good, then not to be sold for good. Differences between planters and Indians were to be adjusted by six planters and six Indians. Such, in brief, is the Frame of Government under which the colony came into existence.

The laws, in addition to the Frame of Government, contained rules of order and defined the qualifications of voters who were to be landholders or those who paid "scot" or "lot" to the governor. They provided for original procedure ; they established freedom of worship ; abolished oaths in accordance with the Quaker faith, and contained many other like provisions. These two documents were the fundamental law. Amendment was permitted only with the consent of the governor and six sevenths of the freemen in both the Provincial Council and General Assembly.

Provincial Council. The duties of the Provincial Council were: (*a*) to originate bills, which were to be published thirty days before the Assembly met; (*b*) to see that the laws were executed; (*c*) to take care of the business and safety of the province; (*d*) to settle the location of ports, cities, roads, and other places; (*e*) to inspect the public treasury; (*f*) to establish courts of justice, appoint judges, and institute schools; (*g*) to summon and dissolve the General Assembly. The General Assembly had no deliberative power, and could only pass or reject bills by a simple "yes" or "no." About all

it could do at first was to present sheriffs and justices of the peace to the governor for his appointment — a double number for his choice of half.

At a meeting of the Provincial Council (1683) a number of changes were made. The Council was reduced to eighteen members — three from each county; the Assembly to not less than thirty-six or more than two hundred. The treble vote of the governor was abolished, and the veto power granted instead; but he could perform no public act without the consent of the Council, except that Penn had, during his lifetime, the absolute power of appointing officers.

The Assembly met but once under the new Frame of Government before Penn returned to England. Almost immediately contentions and misunderstandings arose between the Council, the Assembly, and the governor. Nor did matters go smoothly for the colony in England, for conspiracy was charged against the founder; the government of the province was taken from him and given to the governor of New York. Pennsylvania now came under the direct control of the crown, but remained so for only a brief period. The Frame of Government was discarded and the Assembly modeled after that of New York. At length the charge of conspiracy was proved to be false and the government restored to Penn. Upon his return to America, in 1699, he abandoned the old Frame of Government and granted the Charter of Privileges in its place.[1] Under this charter or constitution the province flourished until the Revolution broke out, a longer period than our people have lived under any other frame of government since that time.[2]

[1] Signed October 28, 1701.

[2] New constitutions have been adopted, — 1776, 1790, 1838, 1873.

Charter of Privileges. This constitution, granted in response to a demand of the people, provided for a General Assembly to be chosen annually on the first day of October, and to meet at Philadelphia on the fourteenth of that month. It consisted of four persons from each county. The powers granted the Assembly were much larger than had hitherto been enjoyed. It could now propose matters for legislation, meet annually, act as a judge of the election and the qualifications of its own members, redress grievances and impeach state criminals, and in general it had the powers of an assembly according to the rights of free-born subjects of England. The Provincial Council as a body elected by the people was abolished, but the governor appointed such a council, and continued to do so in spite of popular objections until the Revolution. Prior to 1701 the Council was a part of the legislature; subsequent to that time it was composed mainly of the inhabitants of the province, who were devoted friends of the proprietor. Some of the members were county or provincial judges, — a fact that added not a little to the high moral tone of the body. They acted as a controlling force of both governor and assembly, always urging those measures which were in the interests of the proprietor.[1]

On election day the freemen were now to choose two persons for sheriff and two for coroner in each county, the governor to appoint and commission one of them for three years. The county justices nominated three persons for clerk of the peace, and the governor commissioned one of them to serve during good behavior. Liberty of conscience was also provided for. The new constitution gave the three lower counties a separate assembly as soon as their represen-

[1] Shepherd, "History of the Government of Pennsylvania," 318.

tatives desired it. On the same day a new character, dated October 25, 1701, was granted to Philadelphia, whereby the city was incorporated and given the right to elect its officers, which before had been appointed by the governor.[1]

Summary. During the early life of the colony the governor was, in fact, the maker and enforcer of the laws. The execution of the English, as well as the colonial statutes, rested with him, as did the exercise of all royal authority. Penn did not make use of all the powers vested in him. His love of peace caused him to oppose all litigation, from time to time appointing peacemakers who possessed some of the powers of judges, but who were intended to act only as arbitrators. He had little regard for attorneys and restrained them from exacting fees. Under the charter the governor or his deputy was empowered to execute the laws, establish courts of justice, appoint judges, grant pardons, issue processes, and determine all causes of whatever nature, subject only to the superior authority of the crown.

The colonial government of Pennsylvania was proprietary in form. This was its chief defect. The defect was due to the union of the two characters of governor and private proprietor. The proprietor had great land interests in the colony; he was the landlord whose financial interests continually clashed with those of his tenants. Out of this situation arose the interminable quit-rent controversies. Such conflicts were embittered by the feeling that the strife was one between public and private interests. It is not too much to say that Pennsylvania was a large fief held from the crown

[1] Three commissioners began a survey for a capital city as soon as the Delaware cleared of ice in 1682. The site selected for this purpose was named Philadelphia — the city of brotherly love.

by the proprietors, who were in theory feudal lords, but in fact executive officers of a democracy. The vesting of government and of absolute ownership of land in the same individuals was inconsistent with the growing spirit of liberty in the colony.

QUESTIONS ON THE TEXT

1. What religious sects helped to found the colony of Pennsylvania?
2. What were some of the customs peculiar to the Quakers?
3. Who was William Penn?
4. What three reasons are given for founding the colony?
5. How did Penn obtain his grant of land?
6. How did Penn treat the Indians?
7. What power was Penn given by his charter?
8. What was the Frame of Government?
9. What were the powers of the Provincial Council? Of the General Assembly?
10. What documents formed the fundamental law?
11. What was the Charter of Privileges?
12. How were elections conducted?
13. What were the powers of the governor under the charter?
14. What was the great defect of the colonial government of Pennsylvania?
15. Point out the similarities and differences to be found by comparing our present form of government with that in the colony.

CHAPTER II

LOCAL GOVERNMENT IN THE PROVINCE

In his charter William Penn was given power to divide the country and islands into towns, hundreds, and counties.[1] He was also given authority to erect manors and to introduce the English manorial system. Then, too, he had a scheme of his own for the establishment of local administrative districts built upon precedent and experience. In following his plan of a representative form of government he turned naturally to those local institutions with which he and his people were most familiar. A re-set of the English local government area suited to new conditions was the natural result. The earlier settlers who had been living under the control of the Duke of York were accustomed to the township as the local unit, but under the proprietary administration there was a marked change. With the erection of the province the town passed into the background and nearly all the important functions of local government were centered in the county. For purposes of self-government the county is henceforth the election district, the judicial organism, the fiscal body, and the unit of general administration. The township becomes at most a mere agent of county administration.

County. The county was the unit of representation, members of both Council and Assembly being chosen by ballot in a general meeting of the tax-paying freemen. The free-

[1] See Section X of the charter. There is no evidence that hundreds ever existed as a local division in Pennsylvania.

men in the "county court," or General Assembly, were authorized [1] to choose a double number of persons to serve for sheriffs, justices of the peace, and coroners, out of which presentments the governor was to commission the proper number, but with the new charter of 1701 a noteworthy change began to take place. Officers elected by the people were substituted generally for those appointed, the number so selected being increased from time to time until the close of the colonial period.

Courts. The county authority was the court of sessions of the justices of the peace. Usually their jurisdiction was limited to a single county. By the side of the justice was the sheriff, who was responsible for the peace, for the return of county representatives to the Assembly, and who, as a ministerial officer, carried out the decrees of the courts. There were also clerks and prothonotaries of the county courts, a recorder of deeds, and a county treasurer. These officers were appointed either by the governor or the justices.

The lowest tribunal of the county was that of the "peacemakers." These peacemakers were local magistrates, three chosen for each precinct in the county. This court became obsolete before the end of the eighteenth century; in fact, it was never more than a board for arbitration of disputes. The justices of the peace, however, possessed a real power. Any two of them had jurisdiction over and decided, with the approval of the county court, actions under forty shillings for debt, and after 1701 they could bind over parties to keep the peace. The county court was composed of all the justices of the peace in the county, sitting quarterly. The jurisdiction of this court extended to all civil and criminal cases,

[1] "Frame of Government," 1682.

except treason and murder. It was empowered to deliver jails, to award processes, and to hold all pleas of the crown, but its equity jurisdiction was limited. The justices sat twice a year as an orphans' court. In 1706 two separate tribunals were erected. Civil cases were henceforth to be tried in the court of common pleas, and criminal actions in the court of general quarter sessions of the peace. Both courts met three times each year and were held by any three justices. From their judgment appeal lay to the supreme court, consisting of three judges commissioned by the governor. After 1722[1] special judges appointed by the governor held the court of common pleas. Aside from their judicial duties, the judges of the county court had other work to perform. They laid out private roads, looked after the construction of highways and bridges, and for this purpose appointed overseers and constructed ferries, assessing the rates therefor. They appointed viewers of stores intended for transportation, viewers of fines, and beadles to execute laws against cattle running at large. The justices attended to county finances, supervised the administration of the poor laws, and directed the action of a great number of persons who had public duties to perform. In general, the county court was the medium of communication between the colonial authority and the people.

Taxes. Necessary taxes were instituted almost at the beginning of the colonial government — one half on polls and one half on land. They were apportioned in all the counties by the court and assessed by a board of two assemblymen and three justices of the peace in each county. In 1724 a new system was introduced for levying and collecting the county

[1] A stable judicial system was not established until 1722.

rate. An act of that date provided for the election of three commissioners who were to perform the functions which had hitherto belonged to the court of sessions in the management of fiscal affairs. To assist in this work, six assessors were also chosen from each county. The commissioners issued precepts to the constables, inaugurated proceedings against delinquent collectors, and imposed penalties upon the county treasurer and assessors for neglect of duty. At present the commissioners are among the most important officers in the county.

So long as the population was small the county precinct system worked well, but with the rapid progress of the colony, after its first quarter century of existence, the township threw off its manorial aspect and became an administrative organ of the county. As early as 1746 the people of the township began to choose an election inspector. These inspectors constituted a board for the county to assist the sheriff, coroner, and other election judges to prevent fraud. Twenty years later it became the duty of the inspector to receive the votes of his district. The sheriff appointed two clerks to assist at elections. In these officers is to be found the prototype of our well-known judges and election inspectors. After the establishment of the township we find two overseers of the poor, appointed by the justices in each township, at a meeting especially convened for this purpose. With the approval of two of the justices, they could levy taxes to be expended for poor relief. Their accounts were audited by three freeholders chosen for the purpose.[1]

By act of 1772 each town was permitted to choose one or two supervisors of highways. They were empowered to levy

[1] Gordon, "History of Pennsylvania," 552.

a road tax after having obtained permission from two justices. Hitherto every freeholder was compelled to work upon the road under penalty of fine.[1] The supervisors could now hire laborers to repair highways and bridges, if they saw fit, instead of calling upon the inhabitants to do the work.

Summary. The western states owe a great debt to Pennsylvania, for the type of local government which developed in the Quaker colony has been adopted in a large proportion of the states admitted to the Union. One of the principles upon which it was based has been universally accepted, — the election of the county authority by the people of the county. It was in Pennsylvania that the capabilities of the independent county system were first tested. Here it was that the county-commissioner system was adopted — a circumstance which gives Pennsylvania an equal influence with New York upon the permanence of form and distinctive features of the local government areas west of the Alleghanies. Nor did the Revolution change the local government materially. Local administration in the commonwealth has remained practically the same as that of the province — in fact, the few changes that have taken place up to the present time have been for the purpose of satisfying the needs of rapidly growing communities.

QUESTIONS ON THE TEXT

1. Upon what was the local government of the province based?
2. How were the members of the Council and Assembly chosen?
3. How were local officers chosen?
4. What was the county authority?
5. What were the duties of the sheriff?
6. What were the duties of the "peacemakers"?

[1] A number of western states still employ this method of road-making.

7. Of what was the county court composed? What were its functions?

8. When was the court of common pleas established?

9. What duties, other than judicial, did the judges have?

10. How were taxes levied and apportioned?

11. Who were the county commissioners? What were their duties?

12. When did the people begin to choose township officers?

13. How were township elections carried on?

14. What were the duties of the supervisors?

15. What do the western states owe to the early local government of Pennsylvania?

CHAPTER III

THE GOVERNOR

General. Like the national government, the state government has three departments, — the legislative, the executive, and the judicial.[1] This tripartite form of government, which is common to all the states in the Union, is in accord with the general principles of democracy, — the separation of powers. To place the enactment, the execution, and judicial determination of laws, or any two of these functions, in the hands of a single person or group of persons would be to subvert the underlying principles of our government, national as well as state. In general, the government of Pennsylvania bears a close resemblance to that of the United States, because the Federal Constitution has exerted a powerful influence on those who have drafted our constitutions since 1789. The main differences lie in the fact that the state government is more democratic. This difference appears in shorter terms of office allowed to the state officials, the mode of selecting judges, and the relation between the executive and legislative powers. The national executive is supreme. He chooses his cabinet from among his political associates. He is responsible for their conduct. In the state some of the executive officers are directly elected by the people; others are appointed by the governor, but there is nothing in the state that resembles a cabinet.

The executive department of the commonwealth, as provided for by the Constitution, consists of a governor, lieu-

[1] Boynton's "School Civics," Section 115.

tenant governor, secretary of the commonwealth,[1] attorney. general,[1] auditor general, state treasurer, secretary of internal affairs, and a superintendent of public instruction.[1]

Governor. The supreme executive power is vested in the governor. A candidate for this honor must possess all of the following qualifications: He must be a citizen of the United States, at least thirty years of age, and have been an inhabitant of the state for seven years next preceding his election. If, however, he has been absent on the public business of the United States or of the commonwealth, this requirement may be waived. He must not be a member of Congress nor hold any office under the United States or state.

Election. The governor is chosen on the day of general election by the qualified voters of the commonwealth at the places where they meet to vote for representatives. This day is always the Tuesday next following the first Monday in November. The returns of the election in each county are sealed and transmitted to the Capitol, directed to the president of the Senate, to be opened by him in the presence of the members of both houses. When the legislature meets after an election for governor, the two houses fix the time and place for opening and publishing returns of the election. This time is usually, in the case of the governor, twelve o'clock noon on the Tuesday preceding the day of inauguration. The meeting is held in the House of Representatives. The president of the Senate, or in his absence the president *pro tempore*, takes the chair of the speaker of the House, and, after order is restored, says, " This being the day and hour agreed upon for publishing the returns of the election for governor, the clerk of the Senate will read over the returns for the several

[1] Appointed by the governor with the consent of the Senate.

candidates, and the tellers will take down the number of votes given for each person voted for as governor." When the reading is finished, a computation is made by the tellers and the result announced by the president of the Senate. The person having the highest number of votes is declared to be governor; but if two or more persons receive the same number and are highest in votes, one of them is chosen governor by the joint vote of the members of both houses.[1] A certificate of election is signed by the president of the Senate and the speaker of the House of Representatives, and attested by the tellers. It is then deposited in the office of the secretary of the commonwealth to be transmitted to the governor elect.

The Oath of Office. The oath of office is administered to the governor in the presence of the legislature and state officers, usually by the chief justice of the supreme court, on the third Tuesday of January following his election. He swears (or affirms) that he will support, obey, and defend the Constitution of the United States, and of the state, and that he will discharge the duties of his office with fidelity.

Term. The governor holds office during four years, but he is not eligible for the next succeeding term. He may continue to hold office until his successor is duly qualified.

Salary. The governor receives a salary of $10,000 per annum, together with the free executive mansion in Harrisburg.

Duties. The duties of the governor are three in number: (1) executive, (2) legislative, (3) judicial.

Executive. His first duty is to see that the laws of the state are faithfully executed either by the civil or military authorities.

[1] Hartranft's Appeal, 85 Pa. 433, 1877.

As a part of his executive authority, the governor nominates and, by and with the advice and consent of two-thirds of all the members of the Senate, appoints all the heads of the administrative departments and the members of the boards of various institutions, except in a few instances where the election of such officers has been vested in the people by the Constitution or by statute. In case a vacancy arises in any office, elective or judicial, which he is authorized to fill during the recess of the Senate, he may grant a commission which expires at the end of the next session. He commissions all state officers, either elected by the people or appointed by himself, such as judges, justices of the peace, all county officers that require commissions, officers of the national guard, and such others as the law directs. He may remove public officers for cause. Like the president of the United States, he may require information in writing from the officers of the executive department upon anything relating to their respective offices. Records and instruments in writing — intended for use in other states — are authenticated by the governor under the seal of the state. In addition to his general duties as an executive, he is *ex officio* member of a number of state boards, a trustee of the University of Pennsylvania, a trustee of State College, and a visitor to the state penitentiaries, asylums, and orphan schools. He approves all charters of corporations, including insurance companies created under the laws of the state. Patents for lands issued by authority of the state must also bear his signature.

Legislative. It is the part of the governor to inform the General Assembly from time to time as to the condition of the commonwealth and to recommend such measures as he may deem necessary. All bills and concurrent resolutions, except

for adjournment, must be submitted to him for his approval. If the governor does not approve of any bill, he must return it to the house in which it originated, together with his objections. By a two-thirds vote in each house the rejected bill may become a law. He may also disapprove of any of the items of a bill making appropriations of money, but the portion not approved is subject to the general rule prescribed for the passage of other bills over the executive veto. The remainder of the bill becomes a law in the usual manner. The objectionable rider, which in the past has often defaced some of our national legislation, is thus cut off without injury to the important features of a bill. The governor may, on extraordinary occasions, convene the General Assembly. On such occasions the only business to be transacted is that for which the Assembly was called together. In case of a disagreement between the two houses with respect to the time of adjournment he may adjourn the Assembly for a period not exceeding four months. He may also convene the Senate in extraordinary session for the transaction of business of an executive nature.

Judicial. The governor has power to remit fines, to grant reprieves, to pardon criminals, except cases of impeachment; but this power to pardon cannot be exercised except upon recommendation in writing of at least three members of the board of pardons. All death warrants are signed by the governor, and he fixes the day for execution of criminals. He may demand fugitives from justice from the executive of any other state or territory, and issue warrants for the arrest of persons in this state upon the requisition of the governor of any other state.

Military. Aside from those already noted, the governor possesses a fourth power which may at times become most

important. He may order out for actual service, by draft or otherwise, as many of the militia as necessity demands, in case of war, to prevent invasion, to suppress riots, and to aid the civil authorities in the execution of the laws of the commonwealth. But he ceases to be the commander in chief of the army and navy of the state when it is called into actual service of the United States.

Lieutenant Governor. The lieutenant governor is elected at the same time as the governor, for a like term, and must have the same qualifications in all respects. He takes the oath of office on the same day as the governor in the presence of the Senate. As the name indicates, he may be called upon to take the place of the governor in case of the death, resignation, failure to qualify for office, conviction, impeachment, or any other disability which makes it impossible for the latter to continue in office. In this case all the powers and duties of the chief executive devolve upon the lieutenant until the end of the term or the disability is removed. He is president of the Senate, but has no vote unless that body is equally divided, because he is not an elected member. He is also a member of the board of pardons. His salary is fixed at $5000 per year. Should he be unable to perform his duties or be removed by death, or otherwise, the functions of his office are exercised by the president *pro tempore*, who may, in his turn, become governor. It is thus possible for us to have a governor in whose election the people have had no voice. Of course, if such an unfortunate event were to occur, the senatorial seat of the president *pro tempore* would become vacant. This place would then be filled by election, as in the case of any other vacancy in the upper house.

QUESTIONS ON THE TEXT

1. What is a tripartite form of government?
2. What principles underlie the division of governmental powers?
3. Of what does the executive department of the state consist?
4. What qualifications must a person possess to be a governor of Pennsylvania?
5. When is the governor chosen?
6. In case of a tie, how is the final choice made?
7. How long does the governor hold office?
8. Name the powers of the governor.
9. What is the extent of his appointing power?
10. What other executive powers has he?
11. What share has the governor in the making of laws?
12. What business is transacted at a special meeting of the legislature?
13. Explain the judicial powers of the governor.
14. When may the governor call out the militia?
15. What are the duties of the lieutenant governor?
16. What is his relation to the Senate?

CHAPTER IV

ADMINISTRATIVE DEPARTMENTS, EXECUTIVE BOARDS, AND COMMISSIONS

The activities of a government depend upon three things: (*a*) the density of population; (*b*) the degree of enlightenment; (*c*) industrial progress; and upon the last to a degree almost to the total eclipse of the others. The executive is charged with the maintenance of the state, but in large communities, or where there is a high degree of industrial differentiation, many of his duties must, for purposes of administration, be delegated to subordinate authorities. The administrative work of the state is carried on by a number of secretaries elected or appointed for that particular purpose; but these heads of departments are not a governor's cabinet, because they possess no advisory powers. Their authority is limited; their duties mandatory.

When the present Constitution of the commonwealth was adopted (1873)[1] there were but six departments provided. As the various fields of industry developed, new bureaus were established. These grew into separate departments. Twelve new departments and a large number of boards have been created by the legislature to cope with the additional work devolving upon the state as a result of our increase in population. These departments may be divided into three groups: (*a*) maintenance of state; (*b*) protection of the citizens; (*c*) economic activities. To the first group belong the departments necessary to the life of the state.[2] They are

[1] This Constitution went into effect January 1, 1874.

[2] These departments are all provided for in the Constitution.

secretary of the commonwealth, attorney-general, auditor general, state treasurer, secretary of internal affairs, superintendent of public instruction.

I. MAINTENANCE OF STATE

Dept.	Chief	How chosen	Term	Salary	Duties
1. State	Secretary of Commonwealth	Appointed*	4 yrs.	$4000 and fees	The secretary of the commonwealth performs the same service for Pennsylvania as does the secretary of state in the President's cabinet for the United States. He is the keeper of the state seal, which he affixes to state documents, and the custodian of the laws passed by the Assembly. He keeps all reports of state and county elections, death warrants, respites, and pardons. A foreign corporation is required to file with the secretary its name, the location of its general office in the state, and the name of its authorized agent. He approves proceedings for extradition before an executive order is made. All the bonds of state, county, and municipal officers commissioned by the governor must be countersigned by the secretary.
2. Attorney-General	Attorney-General	Appointed*	4 yrs.	$12,000	Legal adviser of the governor, heads of departments, and of the state boards, he furnishes opinions on all questions arising in the administration of the state government. In lawsuits to which the state is a party he represents the state. He collects all claims properly certified to him by state officers. With the auditor general and state treasurer he assists in tax revision. He institutes quo warranto proceedings against insolvent or illegally conducted insurance companies, trust companies, etc., with a view of winding up their affairs. He examines proposed charters, amendments, and renewals of charters of corporations, banks, insurance companies, etc. In addition to his official duties as attorney-general he is a member of a number of state boards.
3. Public Instruction	Superintendent	Appointed*	4 yrs.	$4000	It is the business of the superintendent to supervise the public schools of the state. He gives advice to district officers and citizens relative to the common school law and explains the duties of school officers, parents, and children. Before the superintendent of common schools in a county, city, or township can exercise the functions of his office, he must be commissioned by the superintendent of public instruction. He issues normal school diplomas and life certificates. He signs all orders on the state treasurer for the payment of moneys which the several school districts may be entitled to receive from the state. The trustees of the state normal school and the state board of examiners are his appointees.

Dept.	Chief	How chosen	Term	Salary	Duties
4. Auditor General	Auditor General	Elected	3 yrs.	$4000	The duties of the auditor are generally to examine and settle all accounts between the commonwealth and any person or department. These may be divided into four self-explanatory groups: (*a*) Settlement of taxes made directly with the taxables, *e.g.* tax on capital stock of corporations, tax on gross receipts of transportation companies. These taxes are assessed on the basis of the sworn reports made by taxables. (*b*) Settlement with officers who collect taxes in the local divisions. (*c*) Payment of salaries to all judicial officers by warrant. (*d*) Miscellaneous, *e.g.* appropriations made to charitable institutions are paid through him. He examines the contents of the state treasury, and publishes in six newspapers of the state the monthly statement of the treasurer. The auditor puts all debts overdue into the hands of the attorney-general for collection. If he finds it necessary, he can compel the production of books and papers relative to any account before him. The power to commit to jail, in case a witness refuses to testify or produce evidence when required to do so, promotes the general efficiency of the department.
5. Treasury	State Treasurer	Elected	2 yrs.	$8000	The state treasurer is both the keeper of public moneys and the paymaster of the commonwealth. He receives all moneys paid into the state treasury and pays all warrants drawn by the proper officers. On November 30 of every year he makes a full report to the legislature of all the receipts and expenditures of the preceding year. He collects semiannually from the banking institutions in which state funds are deposited interest at the rate of two per cent per annum. The treasurer has authority to require such banks to furnish collateral security in addition to the bond required of them. Owing to the responsibility of the office, its incumbent is under bond in the amount of $500,000 with ten or more sureties, which must be approved by the governor. The fact that the treasurer cannot hold office for two successive terms subjects his acts to frequent review by a successor, a circumstance which assures more care in the handling of public funds than might otherwise be shown.
6. Internal Affairs	Secretary	Elected	4 yrs.	$4000	This department, under the present organization, consists of four bureaus, — land office, assessment of taxes, industrial statistics, and railways.
	1 Chief	Appointed	4 yrs.	$2000	It is the business of the first bureau to take charge of all records pertaining to the first conveyances of land from the state to the purchaser. Other papers, such as those relating to the survey of the state and county lines and roads; records of the organization of counties; charters, maps, and papers pertaining to the colonial history of Pennsylvania, are all to be found in this bureau.
	2 Clerk	Appointed	4 yrs.	$1400	The principal work of the second bureau is to procure the annual report made by the sev-

Dept.	Chief	How chosen	Term	Salary	Duties
					eral boards of county commissioners showing the amount of taxes collected for the support of schools, maintenance of roads and bridges, especially the amounts paid by railway and other corporations for local purposes, and to examine these reports. Particular attention is paid to the total assessed value of all property, whether taxable or exempt from taxation. The local reports are compiled and tabulated for publication.
	[3] Chief	Appointed	4 yrs.	$2500	The work of the bureau of industrial statistics is to make a careful examination of all the relations between capital and labor; to inquire into the educational and social conditions of those engaged in manual labor; to offer suggestions for the improvement of working classes; and to compile and publish labor statistics. To aid the chief of the bureau all employers engaged in mining, manufacturing, or other similar businesses are required to furnish such statistical information to him as he may demand. The wide importance of this bureau is evident from the fact that Pennsylvania stands first as a producer of pig iron and coal.
	[4] Deputy Secretary	Appointed	4 yrs.	$3000	The bureau of railways is under the direction of the deputy secretary of internal affairs. The bureau has charge of the annual reports made to the department by railway, canal, telephone, and telegraph companies. These reports show the amount of business transacted, cost of operation, number of accidents, total indebtedness, amount of tonnage, dividends, and other additional facts of public interest. These reports are compiled each year for general information, as well as for the express use of the legislature.

Of the eight officers in the executive department, provided for by the Constitution, five are elected by the people, — the governor, lieutenant governor, auditor general, state treasurer, and the secretary of internal affairs. The other three — the secretary of the commonwealth, the auditor general, and the superintendent of public instruction — are named by the governor and appointed by and with the consent of the Senate.

Protection of Citizens. We turn now to the second group of departments, — those concerned with the protection of the citizens. These are seven in number, — the department

of health, factory inspection, mines, banking, insurance, police, and war. This latter is called the adjutant general's department.

II. PROTECTION OF CITIZENS

Dept.	Officers	How chosen	Term	Salary	Duties
1. Department of Health, 1905	Commissioner and an Advisory Board of six members	Appointed*	4 yrs.	$10,000 Board members receive no pay. Actual expenses allowed	The commissioner must be a graduate of a legally constituted medical college and of at least ten years' professional experience. It is his duty to protect the health of the people of the state and to determine and employ the most practical means for the prevention and suppression of disease. He is given authority to abate nuisances which aid the spread of disease and to enforce quarantine regulations. Upon him rests the responsibility of preserving the purity of lakes and streams in the state. If the sewage discharged into the public waters by individuals or manufacturing concerns is injurious to public health, he may order the practice discontinued. The bureau of vital statistics is under the control of this department. This bureau keeps careful record of births, marriages, deaths, and diseases.
2. Factory Inspection, 1893	Chief Inspector	Appointed*	4 yrs.	$5000	The laws of the state providing for the safety of employees in all industrial establishments and fixing the hours of employment of women, regulating the age at which minors may be employed, etc., are very strict. It was for the purpose of enforcing these laws by rigid inspection that a separate department was created. The inspector or his deputies must visit as often as practicable factories and workshops in order to ascertain whether the belting and shafting is properly guarded, whether there are sufficient fire escapes, and whether the heating, lighting, and sanitation are in proper condition. In case he discovers any infringement of the law, notice is given to the proprietor to rectify the abuse. Violation of the order is punishable by fine. When an accident occurs in an industrial establishment, a report must be made to the inspector or his deputy at once, showing the cause, nature, and severity of the injury. Knowing that a complete record is kept, the manufacturer is more careful to protect his employees from dangerous machinery.
	and 37 Deputies, 5 of whom are women	Appointed by Chief Inspector	4 yrs.	$1200	
3. Mines, 1903	Chief and 36 Inspectors	Appointed* Anthracite Inspectors elected, one for each of 20 districts. 16 bituminous	4 yrs.	$4000 Bond required $10,000 $3000 $3000	The chief of this department must have had at least ten years of practical experience as a miner. It is the first duty of the chief to see that the mining laws of the state are enforced. He is consequently given authority to enter and to inspect any colliery within the state. The control of any matters pertaining to the general welfare of persons connected with mining and the interests of mine owners and operators comes within the scope of his

Dept.	Officers	How chosen	Term	Salary	Duties
		Inspectors chosen from a list certified to by a Board of Examiners			powers. Each inspector visits the mines in his district at stated intervals (60 to 90 days). He keeps a record of the general condition of each mine, with reference to ventilation, number of persons employed, and the number of accidents and deaths, together with the cause thereof. Each year the mines in the state of Pennsylvania produce not far from 600,000 tons of iron ore and 170,000,000 tons of coal. In these two fields of mining industry are employed, on an average, nearly 450,000 men and boys.
4. Banking, 1891	Commissioners	Appointed*	4 yrs.	$6000 Bond required $20,000	The commissioner takes care that the laws relating to banks, corporations receiving money on deposit, provident institutions, and similar institutions are executed in order to insure the public generally against any financial calamity arising out of the improper use of moneys held in trust. Before a foreign corporation can transact any banking business in the state it must file a statement of its assets, liabilities, capital stock, etc., in the office of the commissioner. In the annual report there is to be found a summary of the condition of every corporation under the jurisdiction of the department, including a statement of corporations whose business has been wound up.
5. Insurance, 1873	Commissioner	Appointed*	3 yrs.	$6000 Bond required $10,000	Every insurance company doing business in the state is required to file with the commissioner a copy of its charter and an annual statement of its financial condition. It must obtain annually a certificate to do business in the state. Each fraternal insurance society must file a copy of its constitution and by-laws with the commissioner. Once each year the commissioner calculates the value of all life-insurance policies in force. He sees to it that companies have a certain amount of safe securities. He examines into the condition of companies from time to time, and for this purpose has free access to all books and papers. The expense of enforcing the insurance laws is defrayed by fees charged the companies for filing charters and other documents.
6. State Police, 1905	Superintendent	Appointed*	4 yrs.	$3000 Bond required $20,000	Until the organization of this department the policing of the state was left very largely in the hands of the great corporations, who maintained, with the authority of the state, the coal and iron police. The superintendent has under his direction 200 picked men whose duty it is to coöperate with the local authorities in detecting crime and preserving law and order throughout the state. In general they are authorized to act as game and fish wardens and have the same power as the police in cities of the first class. They may arrest without a warrant for any breach of the peace which they witness and serve warrants issued by local magistrates.
	4 Capts.	Appointed		$1500	
	4 Lieutenants	Appointed		$1200	
	20 Sergeants	Appointed		$1000	
	200 Policemen	Appointed		$720	
7. Adjutant	Adjutant	Appointed*	4 yrs.	$4000 Bond	The governor is the commander in chief of the army and navy of the state. His control is exercised through the adjutant general's

Dept	Officers	How chosen	Term	Salary	Duties
General	General			required $20,000	department. The Constitution of the state provides that the freemen shall be armed and organized. The militia may be called to the defense of the state in case of an armed invasion or for the purpose of quelling riots with which local authorities may be unable to cope. In reality every male belongs to the militia, for every one is bound to help preserve the state. The national guard is the trained militia of the state and is subject to the governor's call at any time. It consists of between 9000 and 10,000 men under the command of a major general.

The third group of departments comprises the economic activities of the state, — matters in which the state as such is more or less concerned, but matters in which the locality is more vitally interested. These departments are agriculture, forestry, fisheries, highways, public printing.

III. ECONOMIC ACTIVITIES

Dept.	Officers	How chosen	Term	Salary	Duties
1. Agriculture	Secretary	Appointed*	4 yrs.	$3500	It is the duty of the secretary to promote the development of agriculture, horticulture, forestry, and kindred industries. He ascertains what grains, fruits, grasses, and other crops are adapted to the various soils of the state, to what diseases they are liable, and conducts examinations into all topics relating to the general agriculture of the state. Through the economic zoölogist the department collects and publishes information concerning plant diseases and parasites, and concerning destructive birds and animals. He has authority to use all necessary means to exterminate insect pests. The enforcement of the pure-food laws, *i.e.* those laws relating to the sale of oleomargarine, the coloring of cheese, and similar acts which tend to defraud the purchaser, falls upon the dairy and food commissioner. The enforcement of laws relating to diseased live stock lies with the state veterinarian.
	Superintendent of Farmers' Institutes	Appointed	4 yrs.	$3000	
	Economic Zoölogist	Appointed*	4 yrs.	$2500	
	Dairy and Food Commissioner	Appointed	4 yrs.	$2500	
	Veterinarian	Appointed	4 yrs.	$2500	
	Bd. of Agriculture, 64	Elected by Agri. Societies	3 yrs. ⅓ retire yearly	Traveling expenses	

Dept.	Officers	How chosen	Term	Salary	Duties
2. Forestry, 1901	Commissioner and 4 citizens.	Appointed*	4 yrs.	$3000 Bond required $10,000	The commission is charged with the duty of purchasing suitable lands for timber culture and protection, and to take proper measures to establish a scientific system of forestry. It has immediate control and management of all property acquired by the department. The growth of forests by private owners is encouraged by the payment of bounties and rebates of taxes. The commission is authorized to sell and lease mineral and forest reserve lands with the approval of the governor. Many vexatious water problems have always confronted densely populated districts. Less difficulty is likely to be experienced in the future, since the privilege of impounding water on forest reservations can be obtained by agreement between a municipality and the commission.
	Together they constitute the State Forestry Reservation Commission	Appointed		Necessary expenses	
3. Fisheries, 1903	Commissioner	Appointed*	4 yrs.	$3000	The commission is charged with the restoration and improvement of the fisheries of the commonwealth and the enforcement of the fish laws. The length of the open season, the size of fish taken, the number of fish taken in a single day, the manner in which they may be taken, *i.e.* line or net, are all fixed in detail by various laws. No person can fish except with hook and line until he has paid a license fee of from $1 to $20.
	and 4 other citizens constitute Fisheries Commission	Appointed*	4 yrs.	Necessary expenses	
	12 Fish Wardens	Appointed by the Board			
4. Highways, 1903	Commissioner	Appointed*	4 yrs.	$5000 Bond required $25,000	The commissioner must be a competent civil engineer and experienced in the construction of roads. The department coöperates with the counties and townships in the improvement of public highways. In 1903 the legislature appropriated $6,000,000 to be expended before June 1, 1909, in order that the state and county roads shall be at all times in an excellent condition for travel. The state stands ready to furnish 75 per cent of the cost of building or reconstructing any of the principal highways of the state. The remainder of the expense is shared in equally by the township and county. In addition to his other duties, the commissioner is now engaged in the survey of the roads of the state and the preparation of a general highway plan.
5. Public Printing	Superintendent	Appointed*	4 yrs.	$3000 Bond required $10,000	The state does not undertake to do its own printing, but every four years the superintendent of public printing is authorized to receive bids and award contracts for the ensuing period. The superintendent takes charge of all the reports made to the governor by the various departments and has them printed and bound. All the material which is received for publication must be well arranged, and it falls to the superintendent to perform this work.

Boards. With so many departments working in harmony, it would seem that all the functions of the state were well provided for. There are, however, certain duties which, because of their limited scope, or temporary character, or judicial nature, require the attention of boards or commissions. Then, too, there are boards whose duty it is to aid a department, and others that act as checks. These embrace such a variety of matters that any general classification is impracticable. It is worthy of notice that the work of many boards could well be performed, but for its specialty, by some one of the departments. .

Board	Officers	How chosen	Salary	Duties
1. Pardons	Lieut.-Gov. Sec'y of Comm. Att'y Gen'l Sec'y of Internal Affairs	Statute	$500 $500 $500 $500	The Constitution of the commonwealth gives the governor power to remit fines and grant reprieves, but no pardon can be granted except upon the recommendation of at least three members of the board of pardons. All the facts relied upon as ground for pardon must be proven by deposition taken within the jurisdiction of the court in which conviction was had before some person authorized to administer oaths.
2. Property	Sec'y of Comm. Att'y Gen'l Sec'y Internal Affairs	Statute	None	This board determines all controversies arising over imperfect titles, preëmption rights, and other similar questions attending the routine work of the land office.
3. Military	Adj't Gen'l Aud't Gen'l State Treas.	Statute	$600 each	This board adjusts and audits all accounts and claims incident to the organization and maintenance of the national guard of the state.
4. Armory	Governor and Adj't Gen'l 5 citizens	Statute and Appointment	Necessary expenses	The board provides armories within the state suitable for drill purposes and the storage of military property. It has general management of such property within the state.
5. Sinking Fund Commission	Sec'y of Comm. Aud't Gen'l State Treas.	Statute	$300 each	A sinking fund is maintained sufficient to pay the interest on the state debt and to reduce it annually by $250,000. This fund consists of the state revenues not required for current expenses. It cannot be used for any purpose other than the extinguishment of the public debt, except in case of war or invasion.
6. Revenue Commissioners	Sec'y of Comm. Aud't Gen'l State Treas.	Statute	$300 each	This board is charged with equalizing and raising taxes for the purposes of the state government. It determines the fair value of all the taxable property in the state. Banks

Board	Officers	How chosen	Salary	Duties
				selected by the state treasurer for the deposit of state funds must be approved by the board.
7. Public Accounts	Aud't Gen'l State Treas. Att'y Gen'l	Statute	None	Authority is given this board to revise any settlement of bills made by the auditor general in case it should appear that the original settlement was wrongfully made.
8. Public Charities	10 members	Appointed* for 5 yrs.	Necessary expenses Gen. Agt. $3000 Agt. Com. on Lunacy $3000	The work of this board is confined largely to the oversight of charitable institutions, but it includes reformatories, prisons, and asylums within its supervision. The board has authority to examine the financial or general condition of any such institution, the method of instruction, the conduct of trustees and employees, and other matters of management. The care of the insane is placed in the hands of the committee on lunacy, composed of five members of the board.
9. Soldiers' Orphans' School Commission	Governor 5 members Legislature 5 members G. A. R.	Statute Appointed	Necessary expenses	The state has undertaken the task of educating the orphan children of soldiers or sailors who participated in the Civil, Spanish-American, and Philippine wars. An industrial school is maintained for such orphans between the ages of five and sixteen years at Scotland. The commission makes needful rules for the school and employs teachers and others.
10. Water Supply Commission	3 members for 4 yrs. Com. of Forestry Com. of Health	Appointed' Statute	$3000 each Expenses	This commission adopts ways and means of utilizing, purifying, and distributing the water supply so that the various communities of the state shall be equally dealt with in such distribution. It recommends whatever legislation is necessary for the betterment of the water supply throughout the state.
11. Game Commissioners	6 members 10 protectors Special Deputies	Appointed* 3 yrs. Board appoints	None As agreed Same as Constable	This board is charged with the protection of wild game in the state and has authority to enforce the game laws. Under a recent statute the board may establish public game preserves within the state forest reservations.
12. Medical Council	8 *ex officio* members		Necessary expenses	The council supervises examinations conducted by the board of examiners of all applicants for a license to practice medicine. Before one may become an authorized practitioner, he must obtain a license from the council.
13. Medical Examiners	3 Boards, 7 members each	Appointed 3 yrs.	Necessary expenses	Each board is composed exclusively of members of the same medical society. Two or more meetings are held every year to examine applicants for licenses. There is also a dental council, board of dental examiners, pharmaceutical examiners, anatomical board, board of undertakers, and veterinary board. The duties of each of these boards are similar to those already cited. Careful work on the part of these boards insures people to a marked degree against persons unfitted to look after those suffering from disease or injury, and promotes the proper and sanitary care of bodies after death.
14. Livestock Sanitary	Governor Sec'y Agri. Dairy and Food Com-	Statute	Necessary expenses	It is the duty of this board to protect the health of the domestic animals of the state and to determine and use all methods to effect this end. The board has power to enforce quaran-

Board	Officers	How chosen	Salary	Duties
Board	missioner State Vet.			tine regulations, and to enter at all times any premises where domestic animals are kept.
15. Accountants	5 members	Appointed	None	Twice each year the board examines persons desiring to become accountants. To those qualified the governor issues certificates conferring the title of certified public accountant and authorizing them to practice their profession.
16. Geological Survey Commission	3 members	Appointed	None	The commission was created to arrange with the director of the United States Geological Survey for the preparation of a map of the state. This map is to show the location of roads, streams, canals, elevations, location of oil, coal, natural gas, etc.
17. College and University Council	Governor Att'y-Gen'l Supt. of Public Instruction	Statute Appointed for 4 yrs.	None	This council passes upon all applications for charters of degree-conferring institutions from the educational standpoint. No charter is granted by a court to such an institution unless it is approved by the council. A required standard is set to which all colleges and universities must conform.
18. Free Library Commission	State Librarian, 5 others	Statute Appointed for 5 yrs.	None	This commission gives advice to all free libraries of the state as to the best means of management and administration. It is authorized to establish a system of traveling libraries throughout the state.
19. Public Grounds and Bldgs.	Governor Aud't Gen'l State Treas. Superintendent	Statute Appointed*	None $3000	This board has entire control of the public grounds and buildings, including the executive mansion. The board contracts for supplies, fuel, repairs, etc., needed by the legislature, departments, boards, and executive mansion. They are also authorized to erect bridges over navigable rivers.

* In every instance where * appears after the word "appointed," it signifies that the officer has been appointed by the governor, by and with the advice and consent of the Senate.

Twenty-one additional boards are charged with the duty of maintaining, supervising, and managing the penitentiaries, reform schools, industrial schools, colleges, etc.

Summary. Through these many departments, commissions, and boards, the state government comes in close touch with the people, everywhere looking after the various interests, whether local, financial, or industrial, yet the state does not in any way infringe upon private interests nor interfere with private projects. That all may be free, some must curtail their liberties. The departments are not mere tentacles, nor are they cogs in the great wheel of govern-

ment — they are the sensory and motor fibers of the governmental authority. Through the boards and departments the acts of the legislature are enforced and the rights of all the people are safeguarded and sustained. We have found the state government occupied with three sorts of activities: those necessary to the maintenance of the state, and which the state alone can perform; those which the citizens alone might do but which require the direction and supervision of the governmental authority; and those which the citizens can well do, but to which the supervisory authority of the state lends universality.

QUESTIONS ON THE TEXT

1. What is the basis of governmental activity? Why?
2. How many departments of state government were provided for in the Constitution? Name them.
3. Account for the increase in these departments.
4. Into what groups may these departments be divided? Why?
5. Outline these groups.
6. What departments are concerned directly with the maintenance of state? With the protection of citizens? With economic activities?
7. Why are boards needed? What is the character of their work?
8. Why is the auditor general one of the sinking-fund commissioners? Why one of the revenue commissioners?
9. Why is the department of mines important? Insurance? Factory inspection?
10. Name five other departments which you consider important. Why?
11. How does the state endeavor to protect the health of its citizens?
12. What measures are taken to prevent fraud in the sale of food stuffs?
13. What measures are taken to preserve and increase the forests of the state?

CHAPTER V

THE LEGISLATURE

THE legislative power of the commonwealth is vested in a General Assembly. This body convenes regularly at Harrisburg, the state capital, on the first Tuesday of January of every second year, but the governor may call the Assembly together at any other time by a proclamation issued for that purpose, *e.g.* in case of vacancy in the office of the United States senator occurring during a recess, or to consider legislation which the welfare of the state will not permit to be postponed until the next regular session.[1] Like the same department of the United States government,[2] the legislature of the state consists of two houses,— a Senate and a House of Representatives. Members of both houses are chosen every second year at the general election held in November. Their term of office begins on the first day of December immediately following. The pay of each member is $1500 for regular sessions and $500 for extra sessions. He also receives stationery, postage, and mileage at the rate of twenty cents per mile each way. Salaries are, however, subject to two limitations: (*a*) a member cannot receive any compensation for services upon a committee; (*b*) the Constitution forbids any increase in the salary of the members of either house under any law passed during their term.

[1] No other matter may be considered save that for which the assemblymen are expressly called together.

[2] Boynton, "School Civics," Sections 117–141.

Senators. The state is divided into fifty senatorial districts composed of contiguous territory as nearly equal in population as is possible. The qualified electors of each district are entitled to elect one member of the Senate every four years. In November of every other even-numbered year senators are chosen from the even-numbered districts, and every other odd-numbered year from the odd districts. Each senator serves for a term of four years, but one half of them are chosen every second year. Whenever a vacancy occurs in either house, the presiding officer issues a writ of election directed to the sheriffs of the proper counties to fill the vacancy.

Requirements. (*a*) Each senator must be at least twenty-five years of age; (*b*) a citizen and inhabitant of the state four years, and of his respective district one year next preceding his election, unless he has been absent on public business of the state or of the United States. During the time for which he is elected, a senator cannot be appointed to any civil office under the commonwealth, nor can he hold any office under the United States. Upon his election or appointment to any other office, his seat is at once vacated in the General Assembly. This limitation does not apply to either an attorney at law or to any officer in the militia. Any person who has been convicted of embezzlement of public moneys, bribery, perjury, or any other crime for which he may be imprisoned in the state prison, is ineligible. During his term of office a senator must reside in his own district.

Duties. The duties of the Senate are threefold: (*a*) executive, (*b*) legislative, (*c*) judicial. In confirming or rejecting nominations made by the governor it acts in the first of these capacities. In passing bills it performs legislative functions. When it acts as a court of impeachment, it officiates as a

judicial body. When sitting as such a court, the senators are all under oath and no person can be convicted without the concurrence of two thirds of those present. Judgment in such cases does not extend farther than to removal from office and disqualification to hold any office in the commonwealth. The person accused, whether convicted or acquitted, is liable to indictment and trial and punishment according to law.

Organization. The presiding officer of the Senate is the lieutenant governor. He is not a member and for that reason can have no vote except in case of a tie. In order that it may not be necessary for the Senate to reorganize throughout after each election, certain officers are authorized to return to the next regular meeting of the Assembly, *i.e.* chief clerk, transcribing clerks, sergeant-at-arms, messengers, librarian, etc. At 12 M., on the day fixed for the meeting of the General Assembly, the twenty-five senators elected, the former members, together with the returning officers of the Senate, assemble in the senate chamber and are called to order by the lieutenant governor. It is the custom for the former chaplain to open the proceedings with prayer, after which the secretary of the commonwealth is introduced by the sergeant-at-arms, and he presents to the Senate the returns of the election of the previous November. The clerk opens and reads the reports. This completed, he calls the roll of senators. Each newly elected senator presents himself to the clerk's desk and receives the oath of office. This is usually administered by a judge of the supreme court, but sometimes a judge of the court of common pleas serves in this capacity. His name is then signed in a book prepared for that purpose. The election of a president *pro tempore*, who is to perform the duties of the lieutenant governor in case of his absence or

disability, is the next in course of business. After nominations have been made, the clerks proceed with the election by calling the roll. The senators vote for their choice *viva voce*. As soon as the chief clerk and other officers of the Senate are elected, the body is ready to proceed with any business which may be presented.

House of Representatives. The House of Representatives consists at present of 206 members. They are apportioned among the several counties on a ratio obtained by dividing the population of the state, as ascertained by the most recent United States census, by 200. Under this arrangement Philadelphia has 41 members, and each county is entitled to at least one, no matter how small the population. Representatives must be at least twenty-one years of age and possess all the other qualifications required for membership in the Senate.[1] They are chosen at the general election in November in even-numbered years to serve for a term of two years. Aside from its duties as a part of the law-making authority in the state, the House prosecutes all impeachments. The governor and all other civil officers are thus liable to be called to account by the legislature for any misdemeanor in office.

Organization. The members elected, together with the returning officers, meet in the hall of the House of Representatives at 12 M. on the day fixed for opening the session of the Assembly for the purpose of organization. The clerk calls the meeting to order and presents the secretary of the commonwealth. The secretary presents the reports of the last election and retires. These reports are

[1] The circumstances which prevent one from serving as a senator apply in the case of representatives.

opened and read. When the reading is completed the roll of members is called. As in the Senate, the oath of office is administered by a judge of the supreme court or of the court of common pleas, and each member signs his name in a specially prepared book. A speaker, chief clerk, and other officers of the House are elected, and the House is then ready for business.

While the members of each house have different qualifications, unequal terms of office, represent different districts, and perform many different functions, there are many requirements and duties of the two bodies which, if not precisely the same, are at least coördinate. Each house is judge of the qualifications and election of its own members. A bill to become a law must be voted on favorably in both houses by a majority of the members elected to each house. Neither house may adjourn for more than three days without the consent of the other, nor to any other place than where the other is sitting. A majority of each house is sufficient for a quorum, but a smaller number may adjourn from day to day and compel the attendance of absentees. The Assembly prescribes the number, duties, and compensation of the officers and employees of each house. Each house adopts rules for its own government, elects its own officers, and publishes its own journal of procedure. It has power to punish its own members for disorderly behavior in its presence—such a punishment is not a bar to indictment for the same offense; to protect its members against bribes, and, with the concurrence of two-thirds, to expel a member. Should a member be expelled for corruption, he is not again eligible for membership in either house. The sessions of each house are open unless the business transacted is of such a nature that it

should be kept secret. In all cases except treason, felony, violation of oath of office, or breach of surety of the peace, the members of the General Assembly are free from arrest during their attendance at sessions and in going to and returning from the same. No one can question them for any speech made in either house.

Powers of the President, of the Senate, and Speaker of House. As the name indicates, the presiding officer of each house is the representative of the body itself in its powers, proceedings, and dignity. (*a*) He calls the house over which he presides to order, ascertains whether or not there is a quorum present, and causes the minutes of the preceding meeting to be read. (*b*) He announces the business of the day and lays it before the Assembly. (*c*) He receives propositions made by members, puts them before the Assembly, and declares the determination of the body. (*d*) He is general custodian of the hall in which the meetings are held, he decides questions of order, subject to an appeal to the Assembly, and preserves order. (*e*) He receives and announces all messages from the other branches of government and any other appropriate communications. (*f*) He signs in the presence of the body all acts, orders, addresses, and joint resolutions. (*g*) When the legislative body is engaged in judicial functions, he conducts the proceedings, puts questions to witnesses, and pronounces final judgment. (*h*) In all matters of state or ceremony, the presiding officer voices the sentiment of the Assembly. (*i*) The president *pro tempore* of the Senate and the speaker of the House are always members of their respective bodies. They possess the right to vote, like other members, on all questions before the body, and may leave the chair and address the body on any question.

Duties of the Legislature. It is the duty of the legislature: (*a*) to make laws such as are necessary for the welfare of the state; (*b*) to divide the state into representative, senatorial, and judicial districts every ten years immediately after the taking of the United States census; (*c*) to appropriate money; (*d*) to fix the number, duties, and compensation of state, county, and township officers; (*e*) to elect two persons to represent the state in the United States Senate; (*f*) to count the votes for governor and lieutenant governor; (*g*) to submit amendments to the Constitution. The legislature cannot attaint a person of treason or felony, nor can any *ex post facto* law, or law impairing the obligation of contracts, be passed. The chief business of the legislature is to make laws, but it is enjoined in about thirty different specific cases from passing certain bills, viz., those of a local or private nature.

Prohibited Legislation. Between 1850 and 1870 the law-making bodies of many states had taken to themselves the extra-constitutional right of making laws for different localities, instead of making laws applicable only to the whole state at large. Individual favors were granted and private rights suffered frequent infringement, much to the detriment of the state. When our present Constitution was adopted, it was deemed advisable to prohibit the legislature from passing certain bills. Article III, Section VII, of the Constitution forbade the legislature to pass any local or special law in a number of important cases. Only a few of these prohibited laws are here cited: (*a*) regulating affairs of counties, cities, and townships;[1] (*b*) changing names of persons and places; (*c*) incorporating cities or changing their charters; (*d*) regu-

[1] Laws applying to cities of a single class are not unconstitutional, even though there may be but one city in the class affected.

lating the management of public schools and the raising of money for public school purposes; (*e*) exempting fines or refunding money legally paid into the treasury. In order to make doubly secure the prohibitions, no special or local bill can be passed unless published in the locality for at least thirty days before the bill is introduced into the Assembly. If it were not for this constitutional provision, laws might be limited to one or more counties. Thus there might be on the same subject different laws for adjoining counties. Laws extending the term of any public officer or increasing or diminishing his salary after his election are also prohibited.

Order of Business in the Senate. The order of business followed in the Senate is substantially as follows: (*a*) asking leave of absence; (*b*) receiving reports of committees; (*c*) reading of all bills in place — the president commences on his left and recognizes all in their order; (*d*) original resolutions; (*e*) third reading of bills.

Order of Business in House. After the journal is read each day, the order of business in the House is substantially as follows: (*a*) letters, petitions, and accompanying documents referred to committees; (*b*) reports of committees; (*c*) bills read in place — counties called over in alphabetical order. After the regular order of business for any day has been gone through with, bills are taken up in the following order: (*a*) bills on third reading and final passage; (*b*) bills on second reading; (*c*) on first reading.

Bills. No law can be passed except by bill, and no bill can be amended on its passage through either house so as to change its original purpose.[1] Every bill passed must have

[1] See Boynton, "School Civics," Section 197.

to do with the single subject expressed in its title, but this rule does not apply in the case of general appropriation bills. All bills must be read on three different days in each house. Amendments are required to be printed for the use of members before the final vote is taken. The final vote is taken by yeas and nays, and the names of those voting for and against a bill are recorded in the journal of the proper house. To pass, a bill must have a majority of the members elected to each house recorded as voting in its favor. Concurrence in amendment in either house is accomplished in the same manner. Where it is desired to amend or revise an old law the part changed must be printed at length and voted upon like a new bill. Any member who is privately interested in a bill must disclose the fact and cannot vote. Bills may originate in either house, except revenue bills, which must come from the House of Representatives. Before a member of the Assembly presents his bill for consideration, he must have it written and folded in proper form. On the back must be indorsed the name, title, county, and date of presentation.

Form of indorsement: —

TITLE
NAME OF MEMBER
COUNTY
DATE
Senate (or H. R.)

In the Senate bills are presented in triplicate and in the House in duplicate. To prevent confusion in the House, the speaker calls the list of counties alphabetically, and if a member desires to present a bill he rises and reads the title of the proposed bill. The speaker then refers the bill to the

proper committee. In the Senate the form of presentation is precisely the same, except that the president recognizes members in order, beginning on his left.

When a bill has been referred by the speaker to a committee for its consideration, the committee's duty is to examine it and report the result of their deliberations. The committee may do one of four things, — report favorably, amend the bill, report adversely, or fail to report. Should they pursue the first course, the bill would be given in charge of one of their members to be reported back to the House, the secretary first indorsing the name of the committee and the words "as committed." If any additions have been made, the bill is indorsed "with amendments." Should the committee decide to reject the bill, the secretary indorses the words "negative recommendation" on the back. This is what is known as "killing a bill in committee," though it does not always follow that the bill may never be heard from again, for the bill may be placed on the calendar of the house concerned by a majority vote of the members. All favorably reported bills are put on the file and calendars in their proper order and placed upon the desks of members. Whenever a bill is sent from the Senate to the House, or *vice versa*, it is at once referred to the proper committee. If it seems desirable to amend it, the committee is at liberty to do so. No part of a bill is ever destroyed, but a line is drawn around the words to be stricken out.

When a bill has been favorably reported by a committee, it is printed for the use of members and placed on the calendar of bills on first reading. It is then read at length and cannot be amended. On the second day the number and title is announced and the bill is committed to the committee of the

whole. It is then read, section by section, debated, and amended. After the bill has been read a second time, considered, and agreed to, it is transcribed, unless a motion to that effect is defeated, for the third reading. Bills on third reading are placed on the calendar in the order in which they are agreed to on the second reading. After the third reading the final question is put, although the bill may still be amended on vote of the majority. If the bill passes, the speaker orders the clerk to present it to the other house for concurrence.

Resolutions. A resolution in general is the expression of the will of a legislative body with respect to some particular thing, either public or private. It is never more than directory. Resolutions are of three kinds, — original, joint, and concurrent. When a member desires to bring before the House any proposition, he writes it out and presents it in the form of a resolution. A second reading is usually ordered. After the second reading, the resolution may be regularly considered and amended. If a second reading is refused, the resolution is regarded as rejected for the time being; but the one who offered it is not precluded from presenting the matter at a later time. Joint resolutions are in the nature of bills, and are offered as bills in place. Concurrent resolutions are those that require the action of both the Senate and the House.

Petitions. Letters, petitions, remonstrances, and the like are frequently presented to both houses. They are first considered in much the same manner as a bill. They are then filed with the chief clerk. He presents them to the presiding officer, by whom they are referred to the proper committee.

Indorsement on petition: —

NAME OF MEMBER
COUNTY
SUBSTANCE OF PETITION
DATE
Senate (or H. R.)

No bills are transmitted or received by either house within four days of the time fixed for adjournment *sine die*, and in the lower house only Senate amendments and reports of conference committees are considered. No bill or resolution can be passed by either house on the day of final adjournment, and all bills must have been compared and certified by the proper committee and presented to the governor for his signature before 8 P.M. on the day of final adjournment.

Motions. Motions are always made by a member from his own desk, and if the speaker or two members require it, the motion must be put in writing. The sense of both houses on any question may be obtained in one of three ways. The usual form is by "aye" and "no" votes. If a member calls for a division of the house, the speaker puts the question and requests those in favor of the bill to rise. When the number standing has been counted and announced, the negative of the question is put in the same manner. In the Senate, when there is a quorum present and less than a quorum registered as voting on any subject, not less than four senators may demand a call of the Senate. The doors are closed and the roll called. When it is ascertained that a quorum is present, the vote is again taken, and the names of those refusing to vote are recorded in the journal as "present, but not voting." The speaker may call these members to his

desk and reprimand them. In the House, when a quorum is present and less than a quorum voting, the members not voting are judged in contempt, and the privilege of membership is refused until the contempt is purged. When less than a quorum is present, the sergeant-at-arms is sent to take the absent members into custody and bring them before the bar of the House, where they may be either excused or reprimanded by the speaker. The final vote on all motions is always taken by "yea" and "nay," and the names of those voting entered in the journal.

How a Bill becomes a Law. Although a bill has been passed by both houses and signed by the proper officers, it is not yet a law, for it still requires the signature of the governor. Even resolutions requiring the concurrence of both houses are sent to him for his approval. When sent to the governor, a bill must be an exact reproduction of the order as finally passed. If it is not returned to the house in which it originated, signed by the governor, within ten days after it is presented to him, it becomes a law in the same manner as if he had signed it, unless the General Assembly adjourns in the meantime. In this event, if the governor desires to exercise his power of veto, he must file the bill, together with his objections, in the office of the secretary of the commonwealth and give notice thereof by public proclamation within thirty days after the adjournment. Any item or items of a bill making appropriations of money may be disapproved by the governor, but the portion not approved may be passed over his veto in the usual manner. When a bill is not returned within the required time limit, the clerks of both houses certify to the fact that bill . . . was not returned within ten days after it was presented to the governor and notify the

secretary of the commonwealth. When the governor vetoes a bill, his objections are entered upon the journal of the house to which the bill is returned. The Constitution requires the house to reconsider such a bill, but this is not mandatory. Should the bill again be passed by a vote of two thirds of the members of both houses, it becomes a law over the governor's veto. A separate certificate is signed by the presiding officer and clerk of each house, setting forth the fact that the bill was approved and passed by the necessary number of votes.

Committees. Committees fill an important place in the making of laws, for every bill must be referred to a committee for consideration. Committees are of four kinds: (*a*) committee of the whole house; (*b*) standing committees; (*c*) select committees; (*d*) conference committees. There are many times when the House acts as a committee of the whole, *e.g.* upon the second reading of a bill. When the House resolves itself into such a committee, the speaker calls another to his place as chairman, and he acts only as a regular member. Great freedom of debate is allowed, and consequently the bill receives more discussion than it would under the general order of business. There are no less than thirty-nine standing committees in the House of Representatives. These are appointed by the speaker at the commencement of each session. The several committees each consist of twenty-five members, except the one on appropriations, which has thirty members. Some of the more important committees are: committee on ways and means (the revenue committee), committee on railways, on corporations, on education, on public health, on iron and coal, on agriculture, on banks, and the committee on accounts. In the Senate there are thirty-two standing

committees. For the greater part these bear the same titles as those in the lower house and perform practically the same functions. In addition to the house committees, there is one on insurance, one on mines and mining, and another on military affairs. The Senate committees generally consist of seven senators each, but there are committees of nine, eleven, and thirteen senators, while the one on appropriations consists of twenty-one. The president *pro tempore* is *ex officio* a member of all standing committees. Select committees are appointed to do specific things, and they pass out of existence when their task is completed.

Whenever the two houses cannot agree on any subject, resort is sometimes had to a conference committee. Should either house desire a conference on some particular subject and appoint a committee for this purpose, the other house appoints a similar committee to confer. In all cases where a conference takes place, the committee is composed of the members who vote in the majority on the point of difference. This committee has control only over that part of the bill concerning which the two houses are at variance.

Legislation. The first duty of the legislature is to make laws. Matters of legislation may be well classified under three heads: (*a*) ordinary law, that is the law of contracts, family relations, etc.; (*b*) administrative law, which includes the regulation of education, public works, methods of government, laws concerning labor, those which have to do with taxation and with corporations; (*c*) measures of a local and special nature, such as the granting of charters to gas and water companies, conferring franchises, and regulating the affairs of counties and townships. All laws passed by the legislature are comprehended in the above groups.

Districts. A second duty of the legislature is to divide the state into senatorial and representative districts. This is done by means of ratios. The senatorial ratio is obtained by dividing the whole population of the state by 50. If we were to divide 6,302,115, the population of the state in 1900, we should find the senatorial ratio to be 126,042. Not all counties have as large a population as this, and it is often necessary to place two or three counties in a single district. This, of course, gives the state legislature, when a redistricting of the state becomes necessary, an opportunity to gerrymander,[1] — that is to say, to put counties together in such a way as to give one political party continuous prestige in a number of districts. Take four counties; for example, A, B, C, and D. Let A and D have large Republican majorities, and B and C small Democratic majorities. To place A and D together, and B and C, would result in the return of one Republican and one Democrat to the legislature; but place A and B, and C and D, together, and two Republicans will be elected. A majority once attained in the legislature may thus be continued in power through this process of redistricting. The thirty-third and thirty-eighth senatorial district are perhaps the best examples of this sort of manipulation. The first is composed of Franklin and Huntingdon counties; the second of Clarion, Forest, Elk, and Cameron. The first is a long, narrow strip of territory; the second has the appearance on the map of a sphinx upside down. Generally there has been little incentive to gerrymander in Pennsylvania, because of the strength of the Republican party. There are at present fifty members in the Senate; of these but ten are Democrats. Gerrymandering in the case of representative districts is not

[1] See Boynton, "School Civics," Section 124.

so apparent, because each county is entitled to one representative, even though it has an incomplete ratio.

The legislature also divides the state into judicial districts, fixing the number of judges in each from time to time as business may require.

Revenue. The legislature holds the purse strings of the commonwealth. The method of raising revenue, the property upon which taxes are levied, the nature and extent of licenses, are all subject to the control of the two houses. A limitation upon this power exists in the requirement that money bills must originate in the lower house. No money can be paid out by the state except as authorized by a bill properly passed and signed.

Duties of Officers, etc. The legislature creates new departments of state as necessity demands. New counties and townships are erected as population increases. Offices may be enlarged or diminished, and the compensation paid to officers changed, but one cannot be legislated out of office. The powers, duties, and rights of officers are all fixed by the legislature, except in such cases as are otherwise specified by the Constitution.

United States Senators. A fifth duty of the legislature is to elect two United States senators.[1] On the second Tuesday after the organization of the legislature, which is chosen preceding the expiration of the senatorial term, one person is named to represent the state in Congress. If either house fails to give a majority, the two houses convene on the following day. A majority of all the members of both houses must be present and voting. At least one vote must be taken every day until a conclusion is reached. When the

[1] See Boynton, "School Civics," Section 133.

election is closed, the presiding officer signs a certificate in quadruplicate; one copy is transmitted to the person elected, one to the governor, and one to each of the two houses, to be entered on their respective journals. When a vacancy occurs in a recess between sessions, the governor convenes the two houses to elect a successor, or he may make a temporary appointment.

Amendments. The legislature cannot amend the Constitution. A mere proposal to amend is the limit of its authority. If such a proposal is agreed to by a majority of the members of both houses, the fact is entered upon their journals, and the secretary of the commonwealth publishes the resolution in at least two newspapers in every county three months prior to the next general election. Should the amendment be agreed to by a majority of the members of the next General Assembly, this fact is again published. Finally, the proposed amendment is submitted to the people at least three months later. If it is approved by a majority of those voting on the amendment, it becomes a part of the Constitution. No amendment can be submitted more than once in five years. The machinery of amendment is somewhat unwieldy, but the lethargic condition thus produced is offset by the assurance that no hasty and regrettable action is likely to be taken. Then, too, affairs vitally affecting the government in a state like Pennsylvania do not arise in a single season. Alterations are necessary only to keep pace with growth often imperceptible. There is enough elasticity in the Constitution so that the legislature has sufficient power to cope with situations however serious until the slow wheels of constitution making or amending can be set in motion. A new constitution may be adopted at any time in a convention of delegates chosen by the people. This

constitution would be referred back to the people for a referendum vote.

Limitations on Legislative Powers. The legislature is the strongest element in the state government, for its members are the delegates of the people; but in everything which the legislature undertakes its sphere of activity is limited. Like the other members of the tricorn, it is subservient to the Constitution and all the limitations expressed in that instrument. Division into two houses materially weakens its strength. Short terms enable the people to replace readily any one who does not represent their ideas, or who opposes a measure of which they approve. The executive veto is another check which, in the hands of a determined governor, becomes a formidable weapon.

The Constitution of 1873 included many things which, under natural conditions, should be left to the discretion of the legislature. The fact that the people have a desire to act directly, rather than through their representatives, has been a strong factor in the process of limiting the power of the legislature. This has resulted in the introduction of the referendum in such instances as the amendment of the Constitution and increasing the state debt. The legislature proposes the law, but refers it back to the people for their affirmative vote before it can go into effect. The growth of this system is everywhere marked in Democratic communities. Limitations placed on delegated legislative authority are to be viewed generally with favor.

The state Constitution is far better, both in form and in substance, than the laws made by the legislature, because it was the work of abler men acting under a special commission which imposes special responsibility. The desire of people

to take into their own hands the entire control of their government leads them to make of their representatives mere delegates, and a consequent restriction of power is the inevitable result.

QUESTIONS ON THE TEXT

1. Compare the local legislature with the national legislature: (*a*) as to composition; (*b*) eligibility of members; (*c*) term; (*d*) method of election; (*e*) salaries.

2. How many senatorial districts are there? How are senators chosen?

3. What are the necessary requirements of a state senator?

4. In what respect are the duties of the Senate executive? Legislative? Judicial? Why? Give examples.

5. Who is the presiding officer of the Senate? Can he vote?

6. Who is the president *pro tempore?* When may he vote?

7. How many representatives has each county?

8. How is the House of Representatives organized?

9. What are the qualifications of representatives?

10. What are the powers of the president of the Senate? Speaker of the House?

11. Name seven duties of the legislature.

12. Why is the legislature prohibited from making certain laws? Name four instances in which the legislature is prohibited from passing special and local acts.

13. Trace a bill from its origin in the House or Senate until it is signed by the governor.

14. May a bill become a law without the governor's signature? How?

15. Distinguish between a bill, resolution, and petition.

16. How are bills brought before either house for consideration?

17. How are motions put?

18. What is the purpose of the committee system? How are bills referred to committees?

19. In what way may a committee act upon a bill?

20. Name four kinds of committees.

21. Distinguish between select and standing committees. How does the committee of the whole house differ in its duties from a standing committee?

22. How are conference committees chosen? What are their duties?

23. How would you classify laws passed by the legislature?

24. What laws are administrative in their nature?

25. How is it possible to gerrymander? When? Why not in Pennsylvania?

26. How does the legislature control the revenue? Where do revenue bills originate? Why?

27. What control does the legislature exercise over offices and officers?

28. How may the Constitution be amended? What are the advantages in this method of amendment? What are the disadvantages?

29. Name four limitations on the powers of the legislature. Why are these limitations necessary?

30. Why are laws enacted by the legislature weaker than the Constitution?

31. What is meant by referendum? When is it used? Why?

CHAPTER VI

THE JUDICIARY

THE third power of the state government is the judicial,[1] or law-interpreting, fixed by the Constitution in the courts. This power is vested in a supreme court, superior court, court of common pleas, court of oyer and terminer and general jail delivery, court of quarter sessions of the peace, orphans' court, and magistrates' courts.

Supreme Court. There are seven supreme-court judges, elected at large by the qualified electors of the state for a term of twenty-one years, subject to the limitation of good behavior. They are not eligible for reëlection; they must be residents of the state, qualified electors thereof, and learned in the law. During his term, a judge is not permitted to hold any other office, state or national. Each takes an oath to support, obey, and defend the Constitution of the United States and of Pennsylvania. The newly elected judge begins his duties on the first Monday of January next after his election. When two judges are elected at the same time, they cast lots for priority, and the governor issues their commissions according to the result. The judge who has been on the supreme bench for the longest time is, by virtue of that fact, chief justice. He receives a salary of $10,500 per annum, while each of the associate justices receives $10,000.

The state is divided into three districts, — eastern, middle, and western. Court sessions are held in Philadelphia begin-

[1] See Boynton, "School Civics," Sections 272–291; also 358–362.

ning on the first Monday in January; in Harrisburg beginning the twenty-first Monday after the first day's sitting in Philadelphia; in Pittsburg beginning on the second Monday in October.

The jurisdiction of the supreme court extends over the entire state, and its judges, by virtue of their office, may hold a court of oyer and terminer in any county of the state. This court has both original and appellate jurisdiction. Original jurisdiction in (*a*) injunctions where a corporation is a party defendant; (*b*) cases of habeas corpus; (*c*) mandamus to courts of inferior jurisdiction; (*d*) quo warranto to officers of the state.[1] These are the instances in which one may begin his suit in the supreme court. Appellate jurisdiction is confined to (*a*) appeal, (*b*) certiorari, (*c*) writ of error. This appellate jurisdiction extends to cases where inferior courts have had original jurisdiction. Either party to a civil suit may make an appeal. Criminal suits may be appealed only by the defendant, but he must first get permission from one of the superior court justices. This serves as a check upon unnecessary appeals.

The supreme court is the court of last resort in the state, and no appeal can be made to any of the United States courts, except when the case involves the Constitution, laws, or trea-

[1] Oyer and terminer — to hear and determine. Injunction — a prohibitory writ to restrain parties from doing certain things. Habeas corpus — a writ commanding a person detaining another to produce him in court Mandamus — a writ issued in the name of the sovereignty to any person, corporation, or court, requiring the performance of a particular act. Quo warranto — a proceeding wherein the government attempts to recover an office or franchise from the person or corporation in possession of it. Certiorari — a writ issued by a superior court to an inferior court requiring the latter to send into the former some proceeding therein pending.

ties of the United States and the decision is against their validity.

Superior Court. Owing to the great amount of work devolving upon the supreme court, a superior court was established in 1895. It consists of seven judges, learned in the law, elected by the qualified electors of the state. They are chosen for a term of ten years and begin to exercise their official functions on the first Monday of January following their election. Each receives a salary of $9000. Whenever a vacancy occurs by death, or otherwise, the governor may appoint with the consent of the Senate a proper person to fill the vacancy until the next general election.[1] This court holds sessions once each year in Philadelphia, Harrisburg, Pittsburg, Williamsport, and Scranton. It has no original jurisdiction except to issue writs of habeas corpus. It has final appellate jurisdiction in the following cases: (*a*) all claims less than $1500, except cases brought by the attorney-general in his official capacity; (*b*) all cases brought in the quarter sessions, except the right to public office; (*c*) all cases in oyer and terminer, except felonious homicide, which is appealable to the supreme court direct. Appeals may be made from the decision of this court in cases where (*a*) jurisdiction of the superior court is questioned; (*b*) where the Constitution of Pennsylvania is drawn into question; (*c*) where the Constitution and laws of the United States are involved.

In an appeal to either the supreme court or the superior court no jury or witnesses are present. The stenographic report, which includes all the evidence and motions made before the lower court, is printed in pamphlet form and sub-

[1] For appointments when the Senate is not in session, see Constitution, Article IV, Section VIII.

mitted for examination. Here the attorneys may present their arguments, but no new evidence is received. The decision of the lower court may be sustained, reversed, or the case remanded for retrial. In this latter instance the whole case is reopened and the cause stands as though there had been no trial.

Court Reports. The state courts are almost as important lawmakers as is the legislature. So long as they are not reversed, the decisions of the supreme court are the law for the determination of all subsequent cases of similar nature in this as well as in the inferior courts of the state. At the time each case is decided the judges reduce their opinion to writing. The facts involved, the questions of law, the opinion of the judges, and the final decisions of every suit which reaches either of these courts are all carefully compiled by a court reporter and published.

County Courts. The remaining courts are county courts, so called because of the physical limits set to the processes they issue. It is not to be inferred, however, that their duties are purely of a local character. On the other hand, the decisions handed down often affect the state as a whole. The judges of these courts are elected by districts, and confined to their respective districts in the exercise of their proper powers; but they are state officers engaged in the performance of a state duty whenever they issue mandatory or punitive decrees, or when they are called upon to interpret a statute.

Districts. When a county reaches a population of 40,000, it is created a separate judicial district. When a county does not contain the requisite number of inhabitants, it is joined to another, and the two constitute a judicial district. Not more than four counties can be united to form a single

district. The judges elected serve for a term of ten years. They are commissioned by the governor, who may remove them upon an address of two thirds of both houses. Their salary depends upon the population of the district, varying from $5000 to $8500.

District Judges. These district judges, learned in the law, preside over the court of common pleas, oyer and terminer, quarter sessions, and orphans' court. Within their respective districts they also perform the duties of a justice of the peace. They conduct trials, hear evidence, decide the points of law raised in the progress of a trial, and charge, *i.e.* instruct, the jury as to the law governing the suit prior to the latter rendering its verdict. They issue writs of habeas corpus, mandamus, quo warranto, and injunction. They stay executions of persons and writs, grant petitions, issue naturalization papers, remove certain minor officials, *e.g.* incompetent election officers, and charter corporations not for profit, such as hospitals, cemeteries, etc.

In counties having a population of more than 150,000 a separate orphans' court is established, with one or more judges. When there are several judges in a district, that one having the oldest commission is called the president judge, a distinction which he continues to hold until he finally vacates the office.

In Philadelphia County there are five courts of common pleas, each consisting of three judges, including the president judge. The Constitution abolished the office of judge not learned in law (termed lay judges) in all counties of over 40,000 population. In other counties they are elected for a term of five years. They have, in general, the same powers in civil suits as other judges, but they seldom exercise them.

They are mainly advisory members, although they have held court in some instances and charged juries. They administer oaths, stay writs of execution, issue writs of habeas corpus, etc. In granting licenses and in the establishment of roads, they exercise an equal voice with the other judges. There are in all fifty-six judicial districts in the state, in which sit ninety-five judges of the court of common pleas and fourteen judges of the orphans' court. No judge of any court in Pennsylvania is permitted to practice as an attorney or to act as counsel in a court of justice or to exercise the office of alderman or notary public.

Court of Common Pleas. The court of common pleas is a court of record, that is to say, its proceedings are written down for a perpetual memorial. The time for holding the regular terms of court is fixed by the judges. Each court has a seal, which is attached to the official documents issued by it. The court of common pleas has jurisdiction within the respective counties to determine all actions and suits according to the laws of the commonwealth, and to grant writs necessary for the exercise of such jurisdiction. This court has an equity jurisdiction, and in such cases the rules of procedure follow those of the United States courts.

Court of Oyer and Terminer and General Jail Delivery. A court of oyer and terminer and general jail delivery is held in each county four times every year by the judges of the court of common pleas. Necessary rules regulating the practice are established by the judges. The court may issue a subpœna to any person in the commonwealth and direct writs to the sheriff of any county. This court inquires into crimes committed, punishes offenders, and delivers the jails of all persons held therein. It has exclusive jurisdiction: (*a*) in

cases of murder or manslaughter; (*b*) in cases of treason against the commonwealth; (*c*) over persons charged with robbery, burglary, arson, and mayhem.

Quarter Sessions. A court of quarter sessions is held in each county by the judges of the court of common pleas four times each year.[1] The judges fix the time of holding court as business requires; but if there are matters still pending when the end of a term is reached, a special adjourned session may be held to finish the trial of all cases. This court has jurisdiction: (*a*) over all crimes and misdemeanors, with power to punish where jurisdiction is not given to the court of oyer and terminer; (*b*) in cases of fines or penalties imposed by act of Assembly. The judges are also authorized to take recognizances, and to exercise the powers of committing magistrates.

Orphans' Court. There are fourteen judges of the orphans' court residing in nine counties. In all the other counties the judges of the court of common pleas perform the functions of this court. Orphans' court is held in every county during the first week of each term of the court of common pleas, and at other times if necessary. Matters within the jurisdiction of this court are: (*a*) the appointment, control, and removal of the guardians of minors; (*b*) the appointment and control of administrators; (*c*) the removal and discharge of executors; (*d*) the sale of real estate of descendants; (*e*) the partition of real estate among heirs; (*j*) the appointment of appraisers; (*g*) the determination of the validity of wills; (*h*) the examination of accounts of executors, administrators, guardians, and testamentary trustees. Judges of the orphans' court

[1] In Philadelphia County a new term of court begins on the first of every month, except during the summer vacation.

receive the same compensation as those who sit in the court of common pleas in the same county.

Justices of the Peace. Two justices of the peace are elected in each of the townships and boroughs in the state on the third Tuesday in February.[1] A justice of the peace must file his acceptance of the office with the prothonotary of his county, stating who he is to succeed. A commission for five years is issued by the governor, the term of office beginning on the first Monday in May following the election. The justice of the peace is a township officer, and his court is of limited jurisdiction and not a court of record. His duty is confined mainly to settling petty disputes arising between neighbors. Suits up to the value of $300 may be brought before any justice. His jurisdiction is final in certain minor matters. In case of crime the justice issues a warrant upon proper complaint. For minor offenses he imposes fines; but where the wrongful act is of a serious nature, he binds the offender over to court, releasing him on bail until the time of trial. Where the offense is not bailable, as murder, the wrongdoer is ordered imprisoned pending trial. A justice may administer oaths, take acknowledgments to deeds, perform marriage ceremonies, etc. He must have a seal, which he affixes to all official papers. Aldermen and magistrates perform these functions in cities.

In addition to the above, there is the coroner's court and the register's court. The authority of the latter is limited to contested will cases and rights of administration.

In cities of over 50,000 one alderman is elected for each ward for a term of five years. Aldermen have power to hear and determine all actions of debt for penalty for the

[1] Residence in the township for one year next preceding election is essential.

breach of any ordinance of a city, subject to appeal. In Philadelphia one magistrate is elected at large for every 30,000 inhabitants instead of aldermen. Magistrates are *ex officio* justices of the peace. They hold what is known as a police court and have jurisdiction over civil cases not exceeding $100. They serve for five years.

Jury. The state Constitution provides that the right of trial by jury shall remain inviolate; that in criminal prosecutions the accused shall have a speedy public trial by an impartial jury, and that no person shall be proceeded against criminally by information. The jury is distinctly an Anglo-Saxon institution that has endured since time immemorial. For the real foundation of the system, we look back to Magna Charta, granted by King John in 1215.

There are two kinds of juries, — the grand jury and the petit jury. Both are composed of qualified electors residing within the county for which they are chosen by lot. Twenty-four men are summoned for the grand jury, one of whom is excused in order to prevent equal division. The court appoints one as foreman. The petit jury is composed of twelve men. The names of a number of citizens determined upon by the court are put into a jury wheel by the sheriff and jury commissioners. These compose the panel of jurors and are called veniremen. The names of twelve are drawn out for each case that comes before the court. After they have taken their places in the jury box, the attorneys for the opposing parties in a case may ask to have certain ones dismissed. Sometimes jurors are challenged for cause, such as prejudice, opinion formed, age, or general disability, and then additional names are drawn from the wheel. If the panel is exhausted before twelve men are chosen, others may be

hastily summoned by the sheriff. These are called talesmen.

The grand jury decides what criminal cases are to be brought before the court. It hears only the evidence against the accused. The district attorney draws up an accusation, called an indictment, which he presents. If a case is made out against the wrongdoer, the foreman indorses the indictment, which makes it a "true bill." Another duty of the grand jury is to inspect the public buildings of the county,—its poorhouse, prison, etc.

The twelve petit jurors are forbidden access to any person during the progress of a trial. After listening to the evidence, the pleas of the attorneys, and the charge to the jury, they retire and make up their verdict. This verdict must be unanimous, either "guilty" or "not guilty." Sometimes, after hours of deliberation, they are unable to reach a unanimous decision; the judge then discharges them and a new trial is had. In civil cases the procedure is the same: the decision is either for the plaintiff or for the defendant. The length of service is seldom more than two weeks, though a juryman must continue to serve until the case on which he sits has been determined. There are also sheriffs' juries, coroners' juries, road juries, and sometimes on order of a magistrate or a justice of the peace a jury is summoned before him to try a case. These juries are usually limited to six men. The jury takes cognizance of facts only; the court determines the law.

Court Officers. The supreme court appoints a clerk or prothonotary at each place of sitting. He has custody of the records and seal of the court. He performs such duties, other than the care of the records and dockets, as the court directs. The prothonotaries of the supreme court are *ex*

officio prothonotaries of the superior court, but the latter court appoints its own prothonotary at all other places where it sits. Each court keeps separate files and dockets, so that a complete and careful record of every case is preserved.

There is an entry docket or book in which is copied a brief statement of the case, showing who the parties are and their cause of action. In the judgment docket are kept the findings of the court and a concluding note showing how the matter in controversy was ultimately settled. These records become more complex as the duties of the court are multiplied.

County Prothonotary. In every county there is a prothonotary who serves as a clerk of the court of common pleas. He is chosen at the general election for a term of three years, and is commissioned by the governor to hold office beginning with the first Monday in January. Philadelphia County is an exception to this general rule, for here the prothonotary is appointed by the judges of the court and holds office subject to removal by a majority of these judges. He appoints such assistants as may be necessary. As clerk he keeps a full record of every case, including judgment.[1] The prothonotary of the county court is not the agent or officer of the commonwealth; he is only an officer of the court, and in so far as he

[1] The county prothonotary has power: (*a*) to affix the seal of the court to all writs and processes; (*b*) to take bail in civil actions; (*c*) to enter judgment at the expense of the plaintiff on failure to convict the defendant; (*d*) to sign all judgments; (*e*) to acknowledge satisfaction of judgments entered on the record of the court; (*f*) to administer oaths to jurors and witnesses; (*g*) to accept bail for stay of execution on property; (*h*) to keep dockets of mechanics' liens; (*i*) to discharge insolvent debtors; (*j*) to make searches and issue certificates of search; (*k*) to act as a depository of money paid into the court; (*l*) to keep records of physicians, lunatics, and insane; of naturalizations; of city, county, and national elections.

enters the court's decrees, the judges of the court act through him. His commission imposes no duties, except those that grow out of his official relations with the court as its clerk.

Clerk of the Courts. The county clerk is chosen for a term of three years at the general election. He keeps his office at the county seat in the county building. This officer takes bail and approves bonds in the absence of the judge in all cases except treason, murder, or manslaughter. He has the custody of court records and the seal of the court. All papers filed with the court, such as applications for liquor licenses, are put into his hands for safe keeping. Whenever the amount of business to be transacted makes it necessary, he may appoint deputies. Every year he makes a full statement of the general business of the court to the secretary of the commonwealth, showing the number of " true bills " found, the number of convictions, the nature of offenses, the number of recognizances forfeited, and other matters in detail.

The county clerk is the clerk of the criminal courts. In some of the counties of limited population the prothonotary is not only the clerk of the court of common pleas, but also of the courts of quarter sessions, oyer and terminer, and orphans' court. In some of the counties where separate orphans' courts have been established, provision has generally been made for the election of a separate clerk. In other counties the duties of this office fall upon the register of wills, *i.e.* Philadelphia.

The judges of the several courts have authority to appoint criers and tipstaves. The crier calls the court to order; all persons in the room rise and stand uncovered while the crier proclaims the court opened in the name of the commonwealth.

The court being formally opened, a case is at once called. The tipstaff is the judge's messenger and orderly.

Notary Public. The governor appoints, with the consent of the Senate, and commissions as many notaries as in his judgment the interests of the state require. Not only men but women are eligible. Good character, state citizenship, twenty-one years of age, and residence in the city or county for which the commission is issued for two years immediately preceding the appointment are the necessary prerequisites. The term of office is five years — during good behavior. No commission is ever issued until the prospective notary deposits $25 in the state treasury. Appointment and commission are not sufficient to give power to act; a notary must take an oath to perform all the duties of his office faithfully and to support the Constitution. He must also file a bond. Every notary must have a seal with which to authenticate all his acts, for unless his seal is attached no affidavit taken before him is valid.[1]

A notary has power to take depositions, to receive acknowledgments and proofs of deeds, conveyances, mortgages, or other instruments in writing concerning lands and tenements in any part of the state.[2] When a person desires to swear to the truth or falsity of a written instrument, he presents himself to the notary and takes oath that the matter set forth is true to the best of his knowledge and belief. After administering the oath, the notary signs his name and attaches his seal, adds the date upon which his term of office expires, and at that moment the paper becomes an official document.

[1] Hortsman *vs.* Kaufman, 7 W. N. C. 487, 1879.

[2] Notaries are in law and in fact state and not county officers. They are as much state officers as the judges of the supreme court or court of common pleas. Davey *vs.* Ruffel, 3 D. R. 75, 1893.

He has power to receive acknowledgments in writing relating to commerce, letters of attorney, and matters usually approved, and to certify to their truth. He may inquire into the legality of marriage of persons intending to so contract; he may administer oaths in divorce proceedings, or take depositions for use before magistrates or justices of the peace. In order to aid in the enforcement of the school laws and factory laws of the state, he is authorized to issue certificates of age and to inquire into the ability of children to read and write the English language. Persons guilty of "false swearing" before a notary are subject to all the penalties prescribed for such offense. A notary is many times a quasi judicial as well as a ministerial officer.[1] Every notary is required to keep a register of his affidavits.

Although a notary's commission may direct him to reside in some particular borough or city in a county, he may have a domicile in any part of an adjoining county, but he must keep an office in the city or county named in his commission. Official acts, though outside of the limits specified in the commission, and acts performed three months after the expiration of a notary's term, are valid. Whenever a notary is superseded by the appointment of another in his place, or when he is removed, he must deposit within ten days his public papers in the office of the recorder of deeds of the county in which he has his office. Failure to comply makes him liable to forfeit $100 for every ten-day period which elapses. In case of death, his papers are also deposited in the office of the recorder of deeds.

[1] A notary has a sort of judicial power. His attestations and official acts, certified under his hand and seal, are evidence of the facts therein certified. Commonwealth *vs.* Pyle, 18 Pa., 1852.

QUESTIONS ON THE TEXT

1. Name the courts. For what purposes were they established?

2. In what cases does the supreme court have (*a*) original, (*b*) appellate jurisdiction? What is the term of a supreme-court judge?

3. When was the superior court established? Why? Over what cases does it have final jurisdiction?

4. What is a judicial district?

5. Name the county courts. Distinguish between the jurisdiction of court of oyer and terminer and court of quarter sessions. Why is an orphans' court necessary? What causes are determined in the orphans' court?

6. Who may be judges of county courts? How long do they serve? Who is president judge? Who are lay judges? What are their duties?

7. Why are court reports preserved?

8. What is a court of record?

9. What are the duties of a justice of the peace? In what cases does he have final jurisdiction?

10. What are the respective duties of the grand and petit juries? How is the petit jury drawn? Who are veniremen?

11. Where did the jury system originate? Name five juries.

12. How does a jury decide a case?

13. What are the powers and duties of the county prothonotary? Is he an important officer? Why?

14. What is the most important duty of the clerk of the courts? Why?

15. What other court officers are there?

16. How does a notary public obtain office? Who may be a notary? In what respect is a notary a judicial officer? In what way may he have an influence upon the enforcement of the compulsory school law?

CHAPTER VII

THE COUNTY [1]

When William Penn came to prepare rules suitable for the government of his colony, it was natural that he should include not only many of the laws which he was accustomed to obey, but also to transpose, in spirit at least, the administrative divisions of England in his possessions along the Delaware. Accordingly, one of his first acts was to lay out three counties, — Philadelphia, Chester, and Bucks.[2] These counties were then much larger than at present, for they have been subdivided and others created within their borders; but for nearly fifty years after the establishment of this first group no additions were made.[3] There are now sixty-seven counties in the state. The last one was formed in 1878 by dividing Luzerne into two districts, one of which retained the old title, while the other received the name of Lackawanna. There was a time when the legislature could create a new county whenever it chose to do so; but now when any one of the existing counties reaches a population of 150,000 it may be divided upon the affirmative vote of the majority of the electors in the district concerned.

[1] See Boynton, "School Civics," Sections 58–62, 379–383.

[2] The first was named by William Penn himself; the second was the name of a county in England from whence a number of passengers came by the *Welcome*. This ship sailed from England, September 1, 1682, bearing William Penn.

[3] The next county created was Lancaster, 1729. Four other counties were erected from the original three, viz. Berks, 1752; Northampton, 1752; Montgomery, 1784; Delaware, 1789.

General Powers. The several counties are bodies corporate. (*a*) They can sue and be sued. (*b*) They can take and hold real estate within their limits, and also personal property, provided it is taken only for the benefit of the inhabitants. The title for such public property is vested in the county. (*c*) Each county has the power to make all necessary contracts, such as contracts for building a courthouse, almshouse, and bridges. (*d*) Each county has a seal with which all the official acts of the county commissioners are authenticated.

Officers. To be qualified to hold any office within the county a person must be a citizen and have been a resident therein for one year. County officers are chosen at the general election in November.[1] As a rule, they hold office for a term of three years, beginning on the first Monday in January next after their election and continuing until their successors are qualified. In all counties containing over 100,000 inhabitants, officers are paid a fixed salary, and whatever fees they receive are turned over to the county treasurer, except such money as is collected for the state. For this purpose counties are arranged in five groups and salaries are paid according to population. The salaries of all officers are a charge on the county treasury to which they belong, but in no case can the salary be greater than the fees of the office. This, however, does not apply to the county solicitor, jailer, commissioners, controllers, surveyor, detectives, treasurer, court interpreter, or district attorney.

Sheriff. The sheriff is both by common law and special

[1] County officers include sheriff, coroner, prothonotary, register of wills, recorder of deeds, commissioners, treasurer, surveyor, auditors or controller, clerks of the courts, district attorney, and such others as may be established by law. Constitution, Article XIV, Section I.

commission the keeper of the peace of the commonwealth in the county. His commission is issued by the governor, and immediately upon receiving it the sheriff must deliver it to the recorder of deeds to be recorded. It is his particular business to represent the majesty of the civil law, and in this capacity he must maintain the peace of the neighborhood at all hazards. He is, therefore, given all powers necessary to that end. Of these, the most important is the right to arrest summarily any person threatening to break or breaking the peace. To execute such duties, he must have the means of commanding adequate physical force, that is, of summoning the posse comitatus. Every citizen capable of bearing arms is bound to yield prompt obedience to his command. A man has no discretion in the matter, and if he refuses to obey, he may be fined and imprisoned.[1] This power to make arrest is exercised chiefly when the sheriff is so ordered by the courts.

The sheriff keeps criminals in the county jail before trial and afterward, if they are sentenced to a term in the jail. If sentenced to the penitentiary, he takes them there. When sentenced to capital punishment, it is his duty to hang them. He serves all writs of judges, and sells property for debt when the proper execution has been issued by the court. The property of delinquent taxpayers is also put into his hands for sale. Together with the jury commissioners, he has charge of the jury wheel and assists with the drawing and notifies jurors when to appear in court. He gives notice on handbills and in the papers of the date when elections are to occur. To assist him in his duties, the sheriff may appoint

[1] If, after reasonable effort, all civil authority has been exhausted, the governor may send troops. Examples may be found in the case of strikes and riots. See National Guard *vs.* Strikers, 26 Pa. C. C. 585, 1902.

one or more deputies, as necessity demands, who are privileged to exercise all ministerial functions of the office, such as serving a process; but they are not competent to perform any act requiring discretion, such as assisting in the selection of jurors. From time to time the sheriff may have large sums of money or personal property which may have come into his hands as the result of a levy; he is therefore under bond of from $8000 to $60,000. This amount varies with the population of the county. The sheriff holds office for three years and cannot succeed himself.

Register of Wills. The register of wills records and keeps the wills of deceased persons. In a number of counties he is also the clerk of the orphans' court. He is required to give a bond approved by the judge of the orphans' court. His powers and duties are often of semi-judicial nature. (*a*) He takes the probates of all wills. A will must be proven to have been the lawful act of the person who is claimed to have made it. This official proof must be made before the register of wills, and is called the probate. It is in the determination of disputes pertaining to wills that the register serves as a judicial officer. His decisions are subject to appeal to the orphans' court. (*b*) He grants letters testamentary to those named in wills as trustees. (*c*) If there is no will, he appoints administrators to settle up the estate. (*d*) He registers and records inventories and appraisements of estates. (*e*) He collects the collateral inheritance tax. This tax is turned over to the state treasurer quarterly. (*j*) He certifies, under seal of his office, to copies of all bonds, inventories, and proceedings remaining in his office.

Recorder of Deeds. Whenever real estate is sold, a deed is given to the purchaser; that is, the vendor writes a descrip-

tion of the property, giving its location, the price for which it is sold, and the conditions and time of payment. This is signed by both parties; each attaches his seal and acknowledges his signature before an officer; the deed is then delivered to the buyer.[1] If this paper should be lost or destroyed by fire, the purchaser might have nothing to show that his claim was right and proper; very shortly no one would know whether his title was good. To prevent such a chaos, the state has provided a safe place for the keeping of records in every county. It is called the office for recording of deeds. This office, unknown to the English common law, was a part of the law agreed upon in England between William Penn and the first purchasers in 1682, though it was not reduced to a regular system until 1715. This act continues to be the foundation of our law on the subject. The office may be said to form a pivot on which all our titles to real estate turn. The officer in charge is bound to keep a "fair book," in which he makes a complete entry of every deed or writing, such as mortgages, releases, charters, commissions of the sheriff, etc., showing the day and hour on which each was received. In counties of limited population the duties of the prothonotary, register, recorder, clerk of the courts, and clerk of the orphans' court are all performed by one man. The recorder is under bond, and takes oath to perform all the duties of his office faithfully.

Coroner. The most important duty of the coroner is to investigate sudden and mysterious deaths, particularly when the surrounding circumstances point to murder or suicide.[2] To

[1] A deed is a writing signed, sealed, and delivered.

[2] He holds inquests over the bodies of persons who die in prison. No inquest can be held unless the body of the deceased has been found.

aid him in this work, he calls in a jury of six citizens, who hold an inquest; that is, they inquire, through the coroner, when, where, by whom, and by what means the person came to his death. Witnesses are summoned and questioned concerning their knowledge of the manner in which the death occurred. After due deliberation, if any one is found guilty of a crime, he is forthwith committed to jail, there to await action of the grand jury. The only object of a coroner's inquest to-day is to aid in the detection of crime. Where, upon his preliminary inquiry, the coroner finds no reason to suspect that death resulted from any criminal act or commission, or where it is apparent that death was caused by disease, no inquest is necessary. When holding inquests the coroner is a judicial officer; he can compel witnesses to attend and to answer pertinent questions. This testimony may be used as evidence in a subsequent proceeding when certified to by the coroner. A justice of the peace performs the duties of coroner when the latter is absent from the county or unable to act. If a sheriff is removed from office, or dies before the expiration of his term, the county coroner becomes acting sheriff. He is also bound to execute all writs directed to him by the court which for any reason are not directed to the sheriff. In some counties he receives a salary; in others his compensation consists of fees. He may succeed himself in office.

County Commissioners. Three county commissioners are elected every third year in each county, but no person is allowed to vote for more than two. This arrangement gives the minority party representation in the management of county affairs. Any vacancy which may occur is filled by appointment by the court of common pleas. Each commissioner must give a bond to be approved by the court of quarter ses-

sions. For business purposes two are a quorum, but a single commissioner may act upon authority given by the board. These commissioners are the business managers of the county, and consequently their duties are more numerous than those of any other county official. They hire and pay persons employed about the county buildings. Where there is no solicitor, they appoint a county attorney. They make up from the assessor's returns an alphabetical list of the voters in each division, prepare all the necessary election blanks, including ballots, and provide polling places. Upon the recommendation of two successive grand juries, and the approval of plans by the court of common pleas, they let contracts for county buildings. They borrow money, issue bonds for building and improving roads, settle all bills, and hence have the power to fix tax rates on estimates furnished by the controller. They may levy a special tax, but in this they are limited in that they must not issue bonds in any one year exceeding one half of one per cent of the total valuation of all the taxable property in the county. They make a return of all taxes collected. Supplies for county officers all pass through their hands. They report annually the number of persons liable to military duty; furnish books for the registration of births, deaths, and marriages; extinguish forest fires, etc. When the county sues or is sued, it is through the commissioners. Finally, they publish annually a statement of the receipts and expenditures. The duties of the county commissioners here cited only give a general outline of the scope of their required activities. If they are looked upon as men whose particular business it is to conduct the affairs of a corporation, in this instance called the county, the breadth of their powers and duties is readily conceived.

County Auditors. Three county auditors are chosen at the general election to serve for a term of three years.[1] Two form a quorum. They audit, settle, and adjust the accounts of the commissioners, treasurer, sheriff, and coroner of the county, and report the result of their examination, together with a statement of any balance due to the court of common pleas. The accounts of the county poorhouse also pass under their supervision. If necessary to compel the appearance of witnesses and the production of papers, the auditors have power to issue subpœnas. They can administer oaths, and if a person refuses to testify, they may commit him to jail.

County Controller. In counties having a population of 150,000 or more a controller is elected every third year in place of county auditors.[2] Before entering upon his duties the controller is required to take an oath and give a bond. He has general supervision and control over the fiscal affairs of the county, over accounts, and over fiscal acts of persons who collect or receive county moneys. In case he finds any default, he is bound to report it at once to the county commissioners and to take immediate measures to secure the public. He keeps a set of books showing all the property of the county, its receipts and expenditures; all debts due by county officers; and the amount raised from every source of revenue. He decides on all bills, and those legally due he certifies to the commissioners. Before the first of February he furnishes

[1] The county treasurer is ineligible until two years after the expiration of his term of office. Employees in the sheriff's office, inspectors of prisons, and members of the board of health are all ineligible.

[2] A county commissioner, treasurer, prothonotary, register of wills, clerk, sheriff, recorder of deeds, or district attorney is ineligible until he has been out of office for two years. Persons holding office under the United States are ineligible until one year after the expiration of their term.

the commissioners a detailed estimate of the expenses for the current year. The commissioners then fix the tax rate. All warrants drawn on the county treasurer, except such as jurors' fees, must receive his signature. He has the official custody of all bonds given to the county and of all title deeds to real estate, contracts, papers relating to financial affairs, and documents belonging to the county. All bids for contracts are opened in his presence by the commissioners.

County Treasurer. The county treasurer is elected to serve for three years, and is under a heavy bond to both state and county.[1] In case of a vacancy in this office the county commissioners appoint a suitable person. It is the treasurer's business to take care of all the moneys belonging to the county, and to turn over to the state such moneys as he has collected for the state. He prepares a quarterly statement and turns over to the state treasurer all moneys in his hands belonging to the commonwealth. He receives all money due the county and pays it out on warrants drawn by the commissioners. A daily report of all money paid out, together with the warrants therefor, is sent to the controller. The collection of liquor license fees, and the payment of bounties for killing certain wild animals which are a public menace, fall to the treasurer. If for any reason the county commissioners believe that he is not performing his duties properly, they may enter formal complaint before the court of quarter sessions, which may remove him at once for any failure to perform his duty.[2]

[1] No judge, clerk, prothonotary, register of wills, recorder of deeds, county commissioner, or county auditor is eligible during his term of office. This bar is placed on commissioners and auditors until a year has elapsed after the expiration of their respective terms.

[2] A county treasurer cannot succeed himself.

District Attorney. The district attorney is chosen at the general election and serves for three years. To be eligible he must have been admitted to the bar of some county in the state and have practiced law for two years. He is the criminal lawyer of the county and prosecutes persons charged with violating within the county the criminal laws of the state. He draws up and signs all indictments, and if the grand jury finds a "true bill," he tries to convict the person accused. He prosecutes assessors, commissioners, and other officers who neglect their duty, as well as persons who attempt to sell impure food, etc. If the business of the county requires it, he is permitted to appoint assistants. He is ineligible to hold any other office in the state at the same time, except in the militia. His oath of office is identical with that required of the attorney-general.

County Solicitor. The county solicitor is the attorney of the county in all its civil suits. He is the special adviser of the county commissioners. He must be an attorney at law, registered and qualified to practice in the courts of the commonwealth. This office, like that of district attorney, is not sought for the financial reward, for this is comparatively small, but rather for the breadth of experience which it affords and the prestige which comes as a natural result.

Jury Commissioners. Two jury commissioners are elected at the general election for a term of three years, but are not reëligible for the next succeeding term. No person is permitted to vote for more than one candidate. The commissioners meet once each year in their respective counties, together with a judge of the court, at least thirty days before the first term of the court of common pleas. They select alternately from all the qualified electors of the county at large

the number of "sober, intelligent, and judicious" persons which was designated at the next preceding term of court. The commissioners and judge place the names of those selected in the jury wheel. The wheel is then locked and sealed by the sheriff and the commissioners. The key is placed in the custody of the former, and the wheel remains in the custody of the latter. A list containing the names, occupation, and residence of every person placed in the wheel is certified to by the judge and commissioners and filed in the prothonotary's office. From the jury wheel the proper panels are drawn by the sheriff and commissioners to act as grand jurors and as petit jurors. This drawing is only made after the sheriff receives an order from the court.

Surveyor. The office of county surveyor is no longer important, since the tracts of public lands have given place to privately owned property. In the past, when land was sold, it was the duty of the county surveyor to survey it. Our system of keeping titles has done away with the necessity of a new survey every time land changes hands. The duties of this officer are consequently confined to the survey of roads and disputed claims. This office is sought only because of the political prestige which it may afford.[1]

Directors of the Poor. The board of poor directors is composed of five reputable citizens, not more than three of whom may belong to a single party. This board is a body politic and has all the powers of a corporation to take and hold land, to employ physicians and others, to apprentice children, and to make necessary rules for the government of the "county house." They provide for and employ indigent persons who have a legal settlement in the county.

[1] The surveyor is elected for a term of three years.

In exceptional cases, outdoor relief is granted. The directors have authority to levy and collect a tax for the purpose of supporting the poor. It is customary at the first meeting of a new board to divide the county into five districts, as nearly equal as possible for the sake of convenience. Children between two and sixteen years of age are always supported outside of the county house.

Mercantile Appraiser. Each retailer of merchandise is required to pay an annual license tax of $2, and one mill additional on each dollar's worth of business transacted annually. Wholesale dealers pay a tax of $3, and a half-mill additional on each dollar's worth of business transacted. The county commissioners appoint a mercantile appraiser for two years, who distributes to each dealer certain blanks prepared by the auditor general. These blanks contain questions necessary for arriving at the actual amount of business transacted. Each vendor fills out the blank and makes affidavit that the information contained therein is correct and returns it to the appraiser. A final corrected list of mercantile taxes is certified to the auditor general by the appraiser before the first day of July in each year.

County Superintendent. The county superintendent is the official head of the county public schools. He is chosen by the school directors at a triennial convention held for this purpose.[1] The person chosen is certified to the state superintendent, who issues a commission for three years. To be qualified, one must be of good moral character and have had successful experience as a teacher within three years prior to his election. One must also possess the qualifications expressed in a valid professional certificate. The duties of a

[1] See township.

county superintendent may be summed up in a single phrase, — to see that the public schools are maintained at the highest rate of efficiency. He visits each school in his county at least once every year. On such occasions he makes note of the method of instruction, branches taught, and gives direction in the art of teaching. The fact that the county superintendent is likely to drop in at any moment keeps up a higher tension on the part of both student and instructor, and thus helps to insure a higher grade of work.

A monthly, as well as an annual, report is made to the department of state instruction. This report, among other things, shows the number of children attending the public school, sex, age, the number of school districts, etc. At the same time there are included suggestions for improvement, and much general information regarding the operation of common schools.

In addition to those already mentioned there are a number of other county officers, such as engineers, whose prominence is marked by the increase or decrease of their duties as necessity demands. Wherever local conditions demand, or the population requires the performance of added functions, there the number of officers is increased to meet the emergency.

QUESTIONS ON THE TEXT

1. How was the county system brought to Pennsylvania?
2. How are new counties created?
3. Why are the several counties said to be bodies corporate?
4. What is the usual term of county officers?
5. When are they elected?
6. What are the general powers of the county?
7. What is the chief duty of the sheriff? What sort of an officer is

the sheriff? Why? What are the sheriff's duties with respect to jurymen?

8. For what reason is the register of wills considered a judicial officer of the county? Why? What are his powers of appointment?

9. Compare the duties of the county auditors with those of the county controller. Why does the controller have the custody of county bonds?

10. Compare the duties of district attorney with those of county solicitor. In what respect is the district attorney a state officer?

11. What is meant by probate of a will?

12. Why is the office for recording deeds important?

13. Why are the county commissioners the most important officers of the county?

14. Why is a county coroner necessary? What is the object of an inquest?

15. How many jury commissioners are there? What are their duties?

16. Do you consider the office of county surveyor important? Why?

17. In what counties are there directors of the poor? What are the duties of this board?

18. What is meant by a mercantile license tax? On whom is it levied?

19. How does the mercantile appraiser obtain his office?

20. What are the duties of county superintendent? What are his necessary qualifications? How is he chosen?

21. What determines the number of officers in a county? What determines the nature of their employment?

CHAPTER VIII

THE TOWNSHIP

LIKE the county, the township [1] possesses no legislative power, being but a quasi corporation. Hence any duty imposed or immunity granted by the local officers, not prescribed by statute, is without effect. Townships are involuntary civil divisions of the state, incorporated by general laws to aid in the administration of government. Their powers all relate to matters of state as distinguished from local affairs, such as the administration of justice and the establishment and repair of highways. Statutes confer upon them all the power they possess, prescribe all the duties they owe, and impose all the liabilities to which they are subject. As bodies corporate, they have power to sue and be sued, to hold real estate within their limits, and to make such contracts as may be necessary for the execution of the purposes of the township. Their corporate powers are exercised by the commissioners or supervisors who are agents for the transaction of business.

A bird's-eye view of the local divisions in a western county gives one the impression of a great checkerboard; each township is a perfect square, measuring six miles on each side. In Pennsylvania natural or artificial barriers have brought about a variety of shapes and sizes. New townships may be erected by a re-division of those already in existence, dependent upon a favorable vote of the resident electors, and the lines of others altered to suit the convenience of the inhabitants.

[1] See Boynton, "School Civics," Sections 54–57, 377–378.

by the court of quarter sessions. This is accomplished by means of a petition directed to the court. In the more populous townships, which are in a measure devoted to residential purposes, there is need for a form of municipal government. Accordingly, the county commissioners are enjoined to ascertain which townships have a population of 250 or more per square mile. These townships are placed in a separate class (first), and are given additional powers. In townships of the first class the following officers are chosen at the spring election, which occurs the third Tuesday in February: five commissioners and one extra for every 2000 of population in excess of 5000, a treasurer, a township assessor, and township auditors.

Commissioners. The township commissioners have no powers except those expressly granted, and such implied powers as are necessary for the proper performance of their duties. They are the business managers of the township. They make regulations respecting slaughterhouses, factories, and abate nuisances prejudicial to public health. They maintain a police force, set vagrants at work, furnish water, build sidewalks, pave streets, and do generally those things necessary to insure the public safety. When it is necessary to float a loan, the commissioners have authority to do so, provided the amount of indebtedness created does not exceed two per cent of the valuation of property within the township. The powers of the commissioners are carried out through the promulgation of ordinances. To this belongs the power to prescribe fines for the violation of township ordinances.

The commissioners are apportioned among the election districts according to population. They meet at least once each month. They receive no pay, and unfortunately but

little honor is attached to this office, which is often full of responsibility.[1]

Treasurer. The treasurer takes charge of all township moneys which he receives from taxes and other sources. This money is paid out only upon a written order issued by the board of commissioners and signed by their president and secretary. The treasurer holds office for three years and is under bond to the probable amount of the annual tax. Whenever a tax is levied by the board of commissioners, the treasurer collects it in townships of the first class. Notice is given when the tax is due and five per cent discount is allowed for payment within sixty days.

Town Clerk. The board of commissioners in townships of the first class elect a town clerk, who is a qualified voter of the township and not a member of the board. In other townships he is chosen by the people. His term of office is one year. He acts as a secretary and keeps the official minutes of all board meetings. His books are open for the inspection of any person. Each township officer files a copy of his oath with the clerk.

Assessor. Every third year an assessor is elected in townships of both classes whose duty it is to make out a list of the names of all taxable persons, together with a just valuation of all taxable property. Property, whether real or personal, is assessed at the rate for which it will sell in the open market. A return is made to the county commissioners, who publish the assessment, and later act as a board of revision. This triennial assessment, as it is called, includes all property. In the other two years, changes in valuation are made to include new buildings and improvements. Money on interest

[1] Term of office, two years.

or invested in stock is required to be reported annually, and a person owning no property is sometimes assessed for his profession. The list of voters prepared by the assessor is for the use of election officers. Another duty of the assessors, growing out of the compulsory school law, is to make a list of all children between six and sixteen years of age in each school district and to forward this to the county commissioners.

Auditors. Three auditors are elected for a term of three years in townships of both classes, one being chosen each year. The duties are not arduous, being confined mainly to the annual adjustment of the accounts of township officers. In case the auditors disapprove of any expenditure, the official who caused it to be made must refund to the township. The accounts of a poor district not coextensive with the county are audited by the senior auditor of the constituent townships. Sometimes auditors are called in as arbitrators to settle minor disputes, such as those concerning the building of a line fence.

Supervisors. In townships of the second class, instead of commissioners, three supervisors are elected to serve for a term of three years, one being chosen each year. These officers perform much the same duties as the commissioners. They see that roads are kept in order, and to do this may borrow money or levy a road tax. It is common practice in many townships for the farmers to work out their road tax, but this system does not bring about as good results as where men are regularly hired to build roads. The supervisors place watering troughs along the roadside, erect guideposts, and perform other duties of similar nature. They erect a "lockup" for the temporary detention of criminals, and also a town house in which to hold elections and store road machinery. Of course in sparsely settled townships there is

but little work for them to do, but they are the official representatives of the township in its corporate capacity.

Collector. Every third year townships of the second class elect a tax collector. The collector enters in a book the names of all persons taxable, showing in each case the amount charged. He collects the school, road, special, and general township taxes and county taxes. If a person refuses or neglects to make payment within thirty days after a demand is made, the collector is given authority to levy the amount by distraint and sale of goods necessary to satisfy the tax and costs.

Overseers of the Poor. In some counties there is no poor-house; in such cases it is necessary for the separate townships to undertake relief work. Each year there is elected in such townships two overseers of the poor, who serve for one year. Assistance may be given to paupers in their own homes, or they may be provided for by outside persons. Where a person requires assistance for a long period of time, an order from two justices is necessary. The overseers are given power to levy a sufficient tax to make necessary provision for the indigent poor. Since each county constitutes a poor district, but little of relief work is done by smaller governmental divisions.

Constable. The constable is the peace officer of the township and borough wards. He is elected for a term of three years. As a peace officer, it is his duty to inquire into the existence of public evils and make a return to the court. His most common duty is to serve warrants and writs. A writ is a notice in a civil case to the defendant to appear before a justice for a hearing. It is served by reading it to the defendant or by leaving a copy with some adult member of the family. Whenever a person appears before a magistrate or

justice and takes oath that a certain individual has committed a wrongful act or has disturbed the public peace, a warrant of arrest is issued. This warrant is direct to the constable, commanding him to arrest the person named therein and bring him before the justice. Writs of execution are served by the constable. Such a writ is issued by a justice, commanding the constable to distrain the goods of the debtor and to hold them until the creditor's claim is satisfied. Writs of attachment issued by a justice on oath of the landlord, that a tenant is about to remove without payment of his rent, are also served by the constable. He serves subpœnas, arrests vagrants, and executes generally the orders of the local magistrates. In executing writs he may raise the power of the county to assist him in the same manner as a sheriff, and may use the police station houses for the detention of prisoners.

QUESTIONS ON THE TEXT

1. In what way is the township a part of the state administration?
2. How are new townships created? Why are townships divided into two classes? What townships belong to the first class?
3. What are the powers and duties of township commissioners? Of supervisors? What control have these officers over township finances? Express their powers in two words.
4. How is the tax value of property ascertained?
5. What are the duties of township auditors?
6. Who collects taxes in townships of the first class? Of the second class?
7. What is meant by a "peace officer"?
8. What is a warrant? What is a writ of execution? What is an attachment?
9. May a constable arrest without a warrant?
10. When are township officers elected?

CHAPTER IX

MUNICIPALITIES[1]

THE powers of a city may be divided into two classes, — those expressly granted by the incorporating act of the legislature and those which may reasonably be implied from the charter. Special acts of the legislature, while they may not amount to a revocation of a charter, frequently grant new authority or impose restrictions upon the chief officers, often to the detriment of the municipality, and are a third source of power or hindrance. Under their charters cities have power to acquire such real estate within their limits as they may need upon which to erect buildings, such as police stations, water works, hospitals, gas works, and other similar structures for the use of the municipality. They may police, light, and pave their streets; control nuisances; pass ordinances; grant franchises; engage in the operation of public service plants, such as gas and electric light works; borrow money for all necessary purposes; and do things generally for the protection and welfare of their citizens. There is, however, a limitation attached to every municipal activity. The fact that the municipal indebtedness is fixed at a certain per cent of the real estate valuation is often a serious handicap to necessary improvements. Again, the state itself may grant certain franchises within the city limits.

Cities should be permitted to draft their own charters. Their charter activities would then be commensurate with

[1] See Boynton, "School Civics," Sections 384–409.

their necessary activities. Local environment would then be the controlling feature and not the tarnished generality. Under our present method of granting charters, cities are too often placed at the mercy of the country legislator, whose stock of knowledge with respect to the needs of a compact aggregation of people is so limited that the scope and adequacy of charters is left to mere chance. Or, far worse than this is the regrettable fact that designing politicians have at times had complete control of the legislative functions. Between those who are not aware of the need of judicious legislation and those whose desire it is not to be good law makers, but who are in politics "for what they can get out of it" — between these two groups, the city is left to work out its own salvation, or is unduly hampered by improper laws. To cite an instance of this destructive legislative policy toward cities, reference need only be made to the famous Ripper Bill, which obliterated the office of mayor for several years in cities of the second class, or the act taking from the mayor of Philadelphia the authority to appoint and to remove certain directors, which fortunately was repealed at a special session of the legislature in 1906. Both of these acts passed the legislature under "political" pressure, and the latter was repealed only because of a popular uprising. This reprehensible system of making or refusing to make legislation to order has retarded the solution of all the problems confronting municipalities, and will continue to impede municipal progress so long as the city is the mere creature of the state.

The most vexatious problem of modern life is the problem of municipal government. The systems and methods of government move slowly; the influx of urban population has

come quickly. There has been neither opportunity nor time for the readjustment of our preconceived ideas, and added to this there is the great untutored mass of immigrants, — helpless so far as self-government is concerned, — which yearly comes to America and swarms into the cities. With these, and similar elements with which we must contend, it is a source of congratulation that our municipal governments are not wrecked utterly because of their own inflexibility.

The amount of authority which may safely be exercised, the method of administration, the proper relation of the city to the state, are all of vital importance to every citizen; yet they are undetermined and likely to remain indeterminate for a long period of time. In fact, they can only be settled in such a manner as to give any reasonable assurance of stability by a course of experiments — costly, indeed, but which must be had at any price. In a city, people are brought together in such great numbers that a form of local government differing from any other, far more complex, and with greatly extended powers, is required. Our plan has been to incorporate and to confer by means of a charter granted by the state legislature certain essential powers of government on urban communities. A city has many powers other than those of a purely governmental nature which it should possess and exercise; but so far we have failed to comprehend the fact that a city, in addition to its character as a state institution, is also a business corporation, which ought to be organized and conducted on a business basis. Our city corporations are created for special local requirements and are superimposed upon local government divisions, which are essential organs of the state administrative body. There is a consequent overlapping of powers and a maladjustment of duties between city and

state local authority. The school district, the township, and the county are all divisions of the state which work in perfect harmony. The squatter sovereignty of a village is suddenly transformed into a corporate body by the granting of a charter. Conflict is sure to arise between this new creature existing upon, yet not a part of, the former local division, unless there is a careful division of power, and this is never accomplished, although the city is made supreme within the sphere of its specially granted powers, while the residuum of local authority remains in the county or township. Where the urban district is coextensive with the county, the officers of the former can and do perform the functions generally allotted to the latter. But even here county officers still exist and still have their own special functions.

The amount of work which a large city is called upon to perform is very different from that of a city of only a few thousand inhabitants. Laws which would be applicable to one would work the worst sort of injustice to the other. Accordingly, cities have been divided into three classes, with reference to population, for the purposes of legislation. To the first class belong those cities having a population of 1,000,000 or more; to the second, those having a population of from 100,000 to 1,000,000; to the third, those having a population under 100,000. This division is made in order that laws may be passed for one class without interfering with another. In some instances this would seem to come within the field of special legislation prohibited by the Constitution; but the courts have sustained as constitutional, laws applying to cities of a single class, where only one city was affected, on the ground that other cities would, in the course of natural growth, come within the minimum limit set.

Cities are divided into wards for the purpose of representation. New wards are created and boundary lines changed by a majority vote of the people concerned.

Cities, First Class. Mayor. The mayor is the chief executive officer of the city. He must be at least twenty-five years of age, and have been a citizen and an inhabitant of the state and city for at least five years next preceding his election. He is chosen by a plurality vote at the municipal election, holds office for four years, and cannot succeed himself. The mayor causes the ordinances of the city and the state laws to be enforced within the city limits. He recommends to councils by written message such measures connected with the affairs of the city as he deems expedient. When necessity requires, he calls special meetings of councils. At least twice each year he sends a statement to councils of the financial and general condition of affairs of the city. He has power to veto any bill and any item of a bill making appropriations, but his veto may be overruled by a vote of three fifths of all the members elected to both branches of council. In general he performs such duties as may be prescribed by ordinance, and is responsible for the order and efficient government of the city.

The mayor has a cabinet, though it does not have official recognition. It consists of the heads of departments. This cabinet *de facto* meets at least once each month in consultation. The mayor may call on any group of citizens for advice, and has availed himself of this privilege on many occasions. The most conspicuous example of such an extra-legal body is the present advisory board of the mayor of Philadelphia. The mayor appoints, with the consent of select council, the heads of departments and a considerable number

of other executive officers. All of these appointees are subject to removal by him.

Executive Departments. The work of governing a great city is comparable, so far as the magnitude of the task is concerned, to that of governing the state. As cities have grown in population, departments have become necessary just as in the state government. The heads of some of these departments are appointed by the mayor and select council, and hold the title of director; others are elected for a fixed term.

Dept.	Chief	How chosen	Term	Duties
1. Public Safety	Director	Appointed	4 yrs.	The director has the administration and supervision of police affairs, all matters relating to fires, inspection of boilers, markets, etc. Firemen and patrolmen before appointment must pass the civil service examination and be citizens of the state. In case of emergency the mayor may take command of the police force and appoint as many patrolmen as he deems necessary. The bureau of building inspection and the bureau of fire marshal come under the direction of this department. In many matters the department works locally in harmony with the state department of factory inspection.
2. Public Works	Director	Appointed	4 yrs.	The supply and distribution of water; the care and lighting of streets; the construction of public buildings; the care of public squares; sewerage; and matters relating to city wharves, are under the control of this department. In granting contracts for municipal work the director exercises his own discretion, but he is bound to award a contract to the lowest responsible bidder.
3. Public Health and Charities	Director	Appointed	4 yrs.	The director of this department has supervision of the public health, charities, almshouses, hospitals, and other similar municipal institutions. All city hospitals where provision is made for the cure of contagious diseases are under the director's immediate supervision.
4. Supplies	Director	Appointed	4 yrs.	The director of this department has control of the purchase of all supplies required in the conduct of the city. The power to purchase being confined to a single department has reduced municipal expenditure, for responsibility is fixed and inaccuracies are less likely to arise.
5. Receiver of Taxes	Receiver	Elected	3 yrs.	The receiver must be a citizen of the city and have been a resident thereof for seven years. All taxes are paid to this department. Persons who have not paid their taxes when the books are closed are put on the delinquent tax list.

Dept.	Chief	How chosen	Term	Duties
6. City Treasurer	City Treasurer	Elected	3 yrs.	The city treasurer receives from the proper officers all moneys payable to the city and pays out city funds on warrants properly countersigned.
7. City Controller	Controller	Elected	3 yrs.	The city controller is invested with all the powers of county auditor. He audits accounts of officers and submits accounts of the city, verified under oath, to councils.
8. Law	City Solicitor	Elected	3 yrs.	The city solicitor is the legal adviser of the city officers and acts as counsel for the city in all its departments. He prepares all contracts which the city enters into.

The city maintains a department of education and a sinking fund commission. The latter is established by city charter for the purpose of extinguishing the city debt. All appointees, other than executive, must first pass the civil service examination. The civil service commission which has charge of these examinations is composed of three commissioners appointed by the mayor for a term of five years.

Cities, Second Class. In 1901 the executive authority in cities of the second class was vested in a recorder, but two years later this office was abolished. The powers and duties of the mayor and executive departments in cities of this class are almost identical with those in cities of the first class. The mayor serves for three years. The city treasurer is the receiver of taxes; there is also a delinquent tax collector. There is also a department of assessors composed of five residents of the city elected for three years by city council. They make, revise, and alter assessments.

Cities, Third Class. Cities of the third class may be chartered whenever a majority of the electors of any town or borough which has a population of 10,000 shall vote in favor of such a measure. Two or more boroughs in the same county may unite for this purpose. In cities of this class the mayor takes charge of the public safety, and a board of

health takes the place of the department of health. There is a city treasurer, solicitor, and controller. The mayor is elected for a term of three years and cannot succeed himself.

Legislature. The legislative authority in cities is composed of two chambers, called select council and common council. The members of select council are required to be twenty-five years of age and residents of the city from one to two years. Each ward chooses one member, who serves for a term of four years (three years in cities of the first class). Members of common council are required to be twenty-one years of age, residents of the wards from which they are chosen, and serve for a term of two years. Each ward is entitled to at least one representative in this branch of councils. Usually the ratio of representation is fixed so that each ward has at least two representatives. The select council is in some ways comparable to the state Senate in that it ratifies appointments, while the common council may be compared to the House of Representatives. The committee system is here employed in much the same manner as in the state legislature. Every legislative act is by ordinance, and before it can take effect it must be engrossed and certified to the mayor for his approval. No ordinance can be passed which contravenes state laws, or which is without the powers expressly granted in the charter of the city, or which may be reasonably implied therefrom.

Boroughs. The court of quarter sessions has power to incorporate boroughs without regard to the population. Application for incorporation must be made by petition signed by a majority of the freeholders residing within the proposed limits. The powers of the borough are vested in the corporate officers designated in the charter. A borough

may make necessary laws, build sewers, provide for public lighting, etc. The executive officer of the borough is the chief burgess chosen at the spring election for a term of three years. To assist him he sometimes has a town council of five citizens. Boroughs divided into wards elect councilmen, a treasurer, auditor, high constable, and other necessary officers.

QUESTIONS ON THE TEXT

1. What powers has the city?
2. From what source are these powers derived?
3. What is meant by a charter?
4. What is the difficulty with our method of granting charters?
5. Why are the problems of municipal government hard to solve?
6. In what respect is a city a business corporation?
7. How are cities superimposed upon the local government divisions of the state? What is the result?
8. Why are city governments inflexible?
9. Into what classes are cities divided? Why?
10. What are the local city divisions?
11. Who is the chief executive officer of the city? How chosen?
12. What is the nature of the mayor's cabinet?
13. Name the executive departments.
14. In what respect is the executive department of government in a city like the executive department of the state government?
15. How are the city executive officers chosen?
16. How may a borough become a city?
17. How is the municipal legislature chosen?
18. In what respect is the select council comparable to the state Senate?
19. Who is the head of a borough?
20. How are borough officers chosen?

CHAPTER X

EDUCATION

EDUCATION[1] has always been one of the binding posts of the Quaker religion. Friends schools at present are looked upon as being the highest grade. Pennnsylvania schools, in general, owe their just credit to the reverence with which the early settlers looked upon learning.

We have already noted that one of the departments of state is given over entirely to the matter of education, and that in each county there is a superintendent of public schools. In 1854 came an act of the legislature creating every township, borough, and city a school district, so that there might be a more equable distribution of schoolhouses, according to the population and convenience of a community, and for facilitating the proper disbursement of school funds. A school district is but an agent of the commonwealth, and, as such, a quasi corporation for the sole purpose of administering the commonwealth's system of public education. An act of 1905 divided school districts into four classes: (*a*) cities of the first class; (*b*) cities of the second class; (*c*) cities of the third class; (*d*) all others. A board of directors or a board of education is in control of each district. These boards establish schools, erect necessary buildings, appoint teachers, direct what branches shall be taught, exercise general supervision, and make reports to the county superintendent as to the length of time schools are open, number of pupils attending, etc.

[1] See Boynton, "School Civics," Sections 261–262, 369–374.

In districts of the first class the board of education consists of twenty-one members appointed for a term of three years by the judges of the court of common pleas. They appoint a city superintendent and district superintendents. In each ward a sectional school board of twelve is elected for a term of three years.[1] They visit schools quarterly, but have no other power than that of recommendation. In other cities the boards are chosen by popular vote in the several wards. In cities of the third class a board of school controllers is elected for a term of six years. In districts of the fourth class two directors are chosen annually for a term of three years.

The school system of the state includes district schools, kindergartens, evening schools, high schools, normal schools, and a state college.

The minimum school year is seven months. If the people so desire, the terms may be extended. In 1904 there were 2559 school districts in the state and 30,819 schools. These schools were maintained at a cost of $26,073,564. The whole number of pupils was 1,200,230 and the total number of teachers 32,225. The state appropriation to common schools in 1904 was $5,212,500, the remainder being raised by local taxation as levied by the directors and controllers.

The common schools of the state are free to persons within the district between the ages of six and twenty-one years. City-school systems provide free kindergartens, evening schools, manual training schools, and high schools. Wherever the people desire to make the necessary expenditure, township high schools are established. Sometimes two townships combine for this purpose.

[1] Not more than nine can belong to one political party.

Not only are free schools provided, but attendance is made compulsory. One of the duties of the parent is to see that his child is properly educated, but it is necessary that the state take this matter in charge in order that all of its growing citizens shall be supplied with a reasonable amount of education. Children between the ages of eight and sixteen must attend English schools regularly, or receive equivalent instruction from a tutor, unless they are mentally or physically incapable of attending school. This rule does not apply to children of thirteen years of age or over who are able to read and write intelligently.[1] Employers are required to certify to the school board and superintendent all persons under sixteen whom they employ. It is made illegal to employ children without proper certification by a notary or other competent authority that the child has complied with the educational requirements of the law. Truant officers may arrest children not properly in attendance at school.

Teachers in cities of the first class are appointed by the board of education; in other districts they are appointed by school directors. To become a teacher one must first obtain a certificate from the county superintendent. These county certificates are granted as a rule only after the applicant has shown his proficiency in the common school branches by passing a rigid examination. The certificate once obtained can generally be renewed from year to year by the payment of a nominal fee. This method of renewing certificates, at all times optional with the superintendent, enables him to select the more proficient. Professional certificates are granted only to experienced teachers. These are for the full

[1] Held to be unconstitutional as class legislation by court of common pleas in Philadelphia, August, 1906. An appeal was taken.

term of the superintendent. State certificates are granted by the state superintendent, and relieve the teacher from further examination.

QUESTIONS ON THE TEXT

1. How and why are school districts formed? Into what four classes are they divided? What officers are in control of school districts of the first class? What officers are in control of school districts of the fourth class?
2. How are the members of the board of education chosen in cities of the first class? How are the school directors in the wards chosen?
3. Who appoints the superintendent of schools in cities of the first class?
4. What does the common school system include?
5. What is the minimum school year?
6. What is the cost of maintenance of common schools?
7. Who may attend schools?
8. Explain compulsory attendance.
9. In what instances may a child be exempt from compulsory attendance?
10. How are teachers selected?
11. How do teachers obtain certificates?
12. Why is a certificate necessary?

CHAPTER XI

SUFFRAGE AND ELECTIONS[1]

EVERY male citizen twenty-one years of age is entitled to vote at all elections, provided he has been a citizen of the United States for at least one month, a resident of the state one year, or having previously been a qualified elector he shall have removed and returned, then six months, a resident of the election district at least two months immediately preceding the election, and has fulfilled the registration requirements. A qualified elector may vote for all officers chosen by the people, whether local or national. Persons employed in the civil or military service of the state or the United States neither gain nor lose a voting residence on this account. The same rule is applied to students and inmates of a poorhouse or asylum. Electors above twenty-two years of age must have paid a state or county tax within two years at least one month prior to the election. A person who does not pay a property tax must pay a poll tax of fifty cents every two years.

In cities the wards are divided into divisions of about two hundred and fifty voters each for election purposes. Townships and school districts serve as election districts in the country. The election officers consist of judge of election, majority inspector, and minority inspector. Each inspector is entitled to one clerk. Every recognized party may have three watchers at each polling place, one of whom may stand

[1] See Boynton, "School Civics," Sections 119–120, 345–347.

within the polls, but outside the rail. These watchers are privileged to challenge any person whom they think unqualified to vote. The judge and inspectors must then interrogate the person challenged and decide as to his qualifications as an elector.

Elections occur twice each year. The general election at which county, state, and national officers are chosen takes place on Tuesday after the first Monday in November. The spring election, at which township, borough, and city officers are chosen, occurs on the third Tuesday in February. All voting is by secret ballot. The names of all persons running for the various offices are placed on the same ballot under the proper party heading. If one desires to vote the straight party ticket, he places a cross with a black lead pencil in the circle at the top of the party column. If one desires to vote for candidates regardless of their party affiliation, he may place a cross in the square which precedes each name on the ballot. A blank space is left under each office to be filled, in which may be placed the name of any person not officially on the ballot. When a voter enters the polls, he announces his name, and, if his name appears on the voting list, the majority inspector gives him a ballot and himself or his clerk checks with the letter B the name of the person receiving the ballot. The voter then proceeds into the booth, draws the curtain behind him, marks his ballot in secret, returns, and places his ballot in the ballot box in full view of the judge, and then passes out by the minority inspector, who checks his name with a V. The polls are open from 7 A.M. to 7 P.M. After they are closed every one except the election officers and one watcher from each party is required to leave the polling place until the counting of the votes is completed.

The work of counting is done by the judge and the two inspectors, who make out the official returns.

The candidates to be voted for at the various elections have generally in the past been nominated in convention some time before election by their respective parties. Under the Act of Feb. 17, 1906, known as the Uniform Primaries Act, these nominations are now made at primaries held the first Saturday in June [1] and the fourth Saturday before the February election. The regular election officers are in charge. An official ballot is provided by the county commissioners for each party. Before one may have his name placed upon the primary ballot, he must have filed a petition, signed by the requisite number of electors, with either the secretary of the commonwealth or the county commissioners, depending upon whether he desires to be nominated for a state or a county office. Blank spaces are also left on the ballot, where additional names may be filled in. On the back of the ballot is indorsed the name of the party. The polls are open from 2 until 8 P.M.

In townships, boroughs, and cities the assessors make a canvass of the electors on the first Monday in May and December, and prepare a list of electors for the county commissioners. These lists are printed for general use. No man may vote whose name is not on the list unless he is properly vouched for. Two months prior to the election the assessor sits at the polling place for two days in order to correct his list.[2]

In cities of the first and second classes four commissioners

[1] In presidential years this primary is held on the second Saturday in April.

[2] These assessments are completed on the sixty-first day before the election.

of registration are appointed by the governor, not more than two of whom are chosen from the same party. These commissioners appoint four registers in each election division, with the same limitation as to party affiliation. Electors must appear before this local board to have their names put on the registry list. In case one does not appear in person before this board or does not satisfactorily answer the questions put to him, his name cannot be put on the list and he cannot vote. It is the duty of this board to ascertain whether those appearing before it to have their names registered are duly qualified electors, and to put such as are so qualified and no other on the list. Three registration days are provided prior to the November election and one prior to the February election. In counties containing cities of the third class the commissioners appoint two registers for each election division. The duties of these registers are similar to those in cities of the first and second class.

QUESTIONS ON THE TEXT

1. Who may exercise the right of suffrage?
2. What is a poll tax?
3. How are city wards divided?
4. Who are the election officers?
5. What are the privileges of a watcher?
6. When do elections occur?
7. How does a person cast his ballot?
8. How are candidates nominated?
9. May others than those whose names appear on the ballot be voted for? How?
10. What does the assessor's list have to do with the privilege of voting?
11. What are the powers and duties of the registers? How are they appointed?

CHAPTER XII

TAXATION [1]

It is incumbent on the people living within the state to make a contribution toward the necessary expenses of the government of which they are a part and which protect their interests. These contributions are paid in the form of taxes upon realty, personalty, inheritance, and polls, or they are in the nature of license fees paid for the privilege of conducting some particular business. A single person may be called upon to pay a tax for the support of the state, county, township, poor district, school district, and borough, and to this may be added a road tax, special assessment, water tax, city and inheritance tax. Since the majority of these taxes are paid into the county treasury, the fact that one contributes to the support of so many corporate divisions of the commonwealth is not felt to be a burden.

Some of the state taxes are paid directly into the state treasury; others are paid to the county treasurer and by him are remitted to the state treasurer. Taxes on capital stock, on corporate loans, on gross receipts, on banks, on net earnings, and on renewal of charters, or granting new charters, are paid directly into the state treasury. These taxes are levied on the sworn statement of the taxables. A bonus is also required on the capital stock of new corporations, and foreign corporations engaging in business in the state, when their charter is filed. The following state taxes are collected

[1] See Boynton, "School Civics," Sections 144–147, 363–368.

through the county: tax on personal property, based on the sworn statement of the taxables and on the return of assessors; the collateral inheritance tax. The county is primarily liable for its quota of the state personal property tax as adjusted by the board of revenue commissioners, whether collected or not. The collateral inheritance tax is levied only when the property of a deceased person passes out of the direct line of lineal descent. It is collected by the register of wills.

County rates are levied by a board for assessment and revision of taxes appointed by the court of common pleas for three years, or by the county commissioners. These rates are levied on real estate, *i.e.* houses and lands; all personal estate, *i.e.* mortgages, shares of stock, etc.; all offices, professions, and occupations, and on polls. The county commissioners make an estimate of the probable expenses and issue precepts to the assessors in the several townships, who make their return in sixty days, showing the names of taxables and property taxable. The county commissioners act as a board of revision. In townships the commissioners or supervisors give notice to work out the road tax or levy such a tax.

In cities of the first class councils fix the tax rate. A board of revision of taxes is appointed by the judges of the court of common pleas. This board appoints two assessors to serve for a term of five years. In cities of the second class a board of assessors is elected by councils for three years. This board is authorized to make, revise, and alter assessments. Cities of the third class are authorized to collect taxes for general purposes not exceeding ten mills on the dollar in any one year on all property taxable for county purposes. Cities generally are authorized to levy whatever taxes are necessary for local

purposes. City taxes are frequently left to a referendum vote whenever added expenditure for some special purpose is contemplated.

Churches, burial grounds, hospitals, institutions of learning, schools and corporations not for profit generally, public property, *i.e.* courthouses, horses, pleasure carriages, are all exempt from taxation.

QUESTIONS ON THE TEXT

1. Why are taxes collected?
2. What taxes are paid directly to the state treasurer?
3. What taxes are collected through the county?
4. What are the duties of the revenue commissioners?
5. What is a collateral inheritance tax?
6. Who levy taxes in counties? In townships?
7. How many taxes may a person be called upon to pay? Name them.
8. What property is exempt from taxation? Why?

APPENDIX I

SALARIES

Officer	Counties of over 800,000	Counties 800,000–500,000	Counties 500,000–250,000	Counties 250,000–150,000	Counties 150,000–100,000
Sheriff	$15,000	$8,000	$6,000	$6,000	$4,000
Coroner	5,000	5,000	2,000	500	1,000
Prothonotary	10,000	6,500	6,000	6,000	3,000
Clerk of Courts	5,000	6,000	4,000	4,000	2,000
Recorder of Deeds	10,000	6,000	4,000	4,000	4,000
Register of Wills and ex. off.					2,500
Clerk of Orphans' Court	5,000	5,000	4,000	4,000	2,000
District Attorney	12,000	6,000	5,000	4,000	3,000*
Treasurer	10,000	6,000	5,000	5,000	3,000
Commissioners	5,000 each	6,000 each	3,000 each	2,500 each	1,000 each
Controller	8,000	6,000	4,000	4,000	
Surveyor			100	300	150
Engineer		4,000	100		
Jury Commissioners, salary sometimes fixed, generally so much per day					
County Auditors					250
County Solicitor		1,500	1,500	1,000	500

Township officers generally serve without pay. In some instances they receive so much per day, *e.g.* supervisors; in some instances the salary is agreed upon by the township commissioners, *e.g.* town clerk; in some instances the salary consists of a percentage on the moneys received or fees, *e.g.* township treasurer.

In cities and boroughs the salary paid any officer is fixed by ordinance of councils.

* The District Attorney's salary varies with the population. In counties under 10,000 he receives $300. This is increased to $2,500 in cities of 90,000 or over.

APPENDIX II

CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA

(This Constitution shall take effect on January 1, 1874, for all purposes not otherwise provided for therein. — Sec. 1, Schedule.)

PREAMBLE

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I

Declaration of Rights

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT —

Inherent Rights of Mankind

Sec. 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Political Power

Sec. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Religious Freedom

Sec. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no reference shall ever be given by law to any religious establishments or modes of worship.

Religion

Sec. 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Elections

Sec. 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Trial by Jury

Sec. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Freedom of Press and Speech — Libels

Sec. 7. The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

Security from Searches and Seizures

Sec. 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Rights of Accused in Criminal Prosecutions

Sec. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Criminal Informations — Twice in Jeopardy

Sec. 10. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Courts to be Open — Suits Against the State

Sec. 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the legislature may by law direct.

Power of Suspending Laws

Sec. 12. No power of suspending laws shall be exercised unless by the legislature or by its authority.

Bail — Fines and Punishments

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Prisoners to be Bailable — Habeas Corpus

Sec. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Oyer and Terminer, &c.

Sec. 15. No commission of Oyer and Terminer or Jail Delivery shall be issued.

Insolvent Debtors

Sec. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Ex Post Facto Laws — Impairment of Contracts

Sec. 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Attaint

Sec. 18. No person shall be attainted of treason or felony by the legislature.

Effect of Attainder Limited — No Forfeiture for Suicide or in Case of Death by Casualty

Sec. 19. No attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend

or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Right of Petition

Sec. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Right to Bear Arms

Sec. 21. The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.

No Standing Army — Military Subordinate to Civil Power

Sec. 22. No standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Quartering of Troops

Sec. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Titles and Offices

Sec. 24. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

Emigration

Sec. 25. Emigration from the State shall not be prohibited.

Exceptions from the General Powers of Government

Sec. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II

The Legislature — Power Vested in — Consists of a Senate and House

Sec. 1. The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Election of Members — Vacancies

Sec. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Terms of Senators and Representatives

Sec. 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

Meetings of the General Assembly — Filling of Vacancy in Office of United States Senator

Sec. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Qualifications of Senators and Representatives — Residence

Sec. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State,) and shall reside in their respective districts during their terms of service.

Disqualifications

Sec. 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States of this Commonwealth shall be a member of either House during his continuance in office.

Persons Convicted of Infamous Crimes to be Disqualified

Sec. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

Compensation not to be Increased During Term

Sec. 8. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Election of President pro tempore of the Senate and Speaker of the House — Other Officers — Each House shall Judge as to Election of its Members, &c.

Sec. 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Quorum

Sec. 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Powers of Each House — Expulsion

Sec. 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offence.

Journals — Yeas and Nays

Sec. 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Sessions Shall be Open

Sec. 13. The sessions of each House and of Committees of the Whole shall be open, unless when the business is such as ought to be kept secret.

Adjournments

Sec. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Privileges of Members

Sec. 15. The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at

the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Senatorial Districts — Ratio

Sec. 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators when such county may be assigned a Senator on less than four-fifths and exceeding one-half a ratio, and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Representative Districts — Ratio

Sec. 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Apportionment of the State

Sec. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

ARTICLE III

Legislation — Passage of Bills

Sec. 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Reference and Printing

Sec. 2. No bill shall be considered, unless referred to a committee, returned therefrom, and printed for the use of the members.

Form of Bills

Sec. 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Three Readings — Amendments — Yeas and Nays

Sec. 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Votes on Concurring in Amendments — Reports of Committees of Conference

Sec. 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of

conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Revival and Amendment of Laws

Sec. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Special and Local Legislation Limited

Sec. 7. The General Assembly shall not pass any local or special law

Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, grave-yards, or public grounds not of the State:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or changing county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borough limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

Regulating the management of public schools, the building or repairing of school-houses and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment:

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

Creating corporations, or amending, renewing or extending the charters thereof:

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed:

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Notice of Local and Special Bills

Sec. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General

Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

Signing of Bills

Sec. 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered on the journal.

Officers of the General Assembly

Sec. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employés of each House, and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employé elected or appointed in pursuance of law.

Extra Compensation Prohibited — Payment of Claims Against the Commonwealth

Sec. 11. No bill shall be passed giving any extra compensation to any public officer, servant, employé, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

Public Contracts for Supplies

Sec. 12. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

Extension of Official Terms and Increase of Salaries Prohibited

Sec. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

Revenue Bills

Sec. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Appropriation Bills

Sec. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Public Moneys — How Paid Out

Sec. 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Appropriations to Charitable and Educational Institutions

Sec. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

Appropriations — How Limited

Sec. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

Appropriations to Institutions for Soldiers' Widows and Orphans

Sec. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

Municipal Powers not to be Delegated to Special Commissions, &c.

Sec. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Suits for Damages in Case of Injuries Resulting in Death, or for Injuries to Persons or Property — How not to be Limited

Sec. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Investment of Trust Funds by Executors, &c.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided saving investments heretofore made.

Change of Venue

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Corporate Obligations Owned by the Commonwealth

Sec. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

Legislation at Special Sessions

Sec. 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Action on Concurrent Resolutions, &c.

Sec. 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

Inspectors of Merchandise

Sec. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Changing Location of State Capital

Sec. 28. No law changing the location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

Members of the General Assembly — When Guilty of Bribery — Punishment

Sec. 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

Bribery of State Officers Defined

Sec. 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Corrupt Solicitation of Officials to be Defined by Law — Punishment

Sec. 31. The offence of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

Bribery or Corrupt Solicitation — Testimony Against Persons Accused of — Disqualification on Conviction

Sec. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may incriminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

Members Interested not to Vote

Sec. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV

THE EXECUTIVE

Executive Department — Of What Consisting

Sec. 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney-General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

Governor — Election — Returns — Tie Vote — Contested Elections

Sec. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the

Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

Term of Office

Sec. 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Lieutenant Governor — To be President of the Senate

Sec. 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be president of the Senate, but shall have no vote unless they be equally divided.

Qualifications of Governor and Lieutenant Governor

Sec. 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

Disqualifications for Offices of Governor and Lieutenant Governor

Sec. 6. No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant Governor.

Military Power

Sec. 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Appointing Power — Filling Vacancies — Confirmations

Sec. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney-General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be held at the second succeeding general election. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

Pardoning Power — Board of Pardons

Sec. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney-General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Information from Officers

Sec. 10. He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Information to the Legislature

Sec. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

May Convene, and in Certain Cases, Adjourn the Legislature

Sec. 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

When Lieutenant Governor to Act as Governor

Sec. 13. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

President pro tempore of Senate — May Become Lieutenant Governor and Governor

Sec. 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remanider of the term, or until the disability be removed, shall devolve upon the President *pro*

tempore of the Senate; and the President *pro tempore* of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

Bills — Approval of — How Vetoed — Passing Over Veto — Not Signed or Vetoed Become Laws

Sec. 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Partial Disapproval of Appropriation Bills

Sec. 16. The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Governor and Lieutenant Governor — Trial of Contested Elections of — Hold Office until Successors are Qualified

Sec. 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Secretary of the Commonwealth — Duties of

Sec. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

Secretary of Internal Affairs — Duties of

Sec. 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Superintendent of Public Instruction — Duties of

Sec. 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Terms of Office

Sec. 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor General three years; and of the State Treasurer two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

State Seal — Commissions

Sec. 22. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by the authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

ARTICLE V

THE JUDICIARY

Judicial Power — How Vested

Sec. 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of Common Pleas, courts of Oyer and Terminer and General Jail Delivery, courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrates' Courts, and in such other courts as the General Assembly may from time to time establish.

Supreme Court — Terms of Judges — Chief Justice

Sec. 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

Supreme Court — Jurisdiction and Powers of

Sec. 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery in the several counties;

they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, *certiorari* or writ of error in all cases, as is now or may hereafter be provided by law.

Common Pleas Courts

Sec. 4. Until otherwise directed by law, the courts of Common Pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Judicial Districts — Associate Judges

Sec. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Common Pleas Courts of Philadelphia and Allegheny Counties — Number of Judges in any County may be Increased

Sec. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the District courts and courts of Common Pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of Common Pleas number one,

number two, number three and number four, and in Allegheny as the court of Common Pleas number one and two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of Common Pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue as may be provided by law.

PROTHONOTARY OF PHILADELPHIA — TERM — ASSISTANTS — SALARIES — FEES — COURT DOCKETS

SEC. 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

CRIMINAL COURTS IN PHILADELPHIA AND ALLEGHENY COUNTIES — ASSIGNMENT OF JUDGES TO

SEC. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more

of their judges to hold the courts of Oyer and Terminer and the courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

Duties of Common Pleas Judges

Sec. 9. Judges of the courts of Common Pleas learned in the law shall be judges of the courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court, and within their respective districts shall be Justices of the Peace as to criminal matters.

Judges of Common Pleas Courts may Issue Writs of Certiorari

Sec. 10. The judges of the courts of Common Pleas, within their respective counties, shall have power to issue writs of *certiorari* to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Justices of the Peace and Aldermen — Election, Term, Number and Qualification

Sec. 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Magistrates' Courts in Philadelphia — Election — Salaries — Jurisdiction

Sec. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes,

with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Fees, Fines and Penalties

Sec. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Right of Appeal from Decisions of Courts not of Record

Sec. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Election of Judges — Term of Office — Removal for Cause

Sec. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Voting for Judges of Supreme Court

Sec. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Priority of Judges' Commissions

Sec. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of Common Pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Compensation of Judges

Sec. 18. The judges of the Supreme Court and the judges of the several courts of Common Pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

Residences of Judges

Sec. 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

Common Pleas Courts — Chancery Powers of

Sec. 20. The several courts of Common Pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of Common Pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Supreme Court — Limitations to Duties and Powers of — Court of Nisi Prius Abolished

Sec. 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of *Nisi Prius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

Orphans' Courts — Auditing of Accounts — Registers' Courts Abolished

Sec. 22. In every county wherein the population shall exceed one hundred and fifty thousand the General Assembly shall, and in any other county may, establish a separate Orphans' Court to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the Orphans' courts, and thereupon the jurisdiction of the judges of the court of Common Pleas within such county, in Orphans' court proceedings, shall cease and determine. In any county in which a separate Orphans' Court shall be established, the register of wills shall be clerk of such court and subject to its directions in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate Orphans' Court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county Orphans' courts shall possess all the powers and jurisdiction of a Registers' court, and separate Registers' courts are hereby abolished.

Style of Criminal Process — Prosecutions

Sec. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Right of Appeal in Criminal Cases

Sec. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused after conviction and sentence may remove the indictment, record and all proceedings to the Supreme Court for review.

Vacancies in Courts of Record — How Filled

Sec. 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to

continue till the first Monday of January next succeeding the first general election which shall occur three or more months after the happening of such vacancy.

Laws Relating to Courts to be Uniform — Certain Courts not to be Created

Sec. 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of Common Pleas and Orphans' courts.

Jury Trials may be Dispensed with in Civil Cases

Sec. 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

ARTICLE VI

IMPEACHMENT AND REMOVAL FROM OFFICE

Power of Impeachment

Sec. 1. The House of Representatives shall have the sole power of impeachment.

Trials of Impeachment

Sec. 2. All impeachments shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

Who may be Impeached — Judgment — Civil Trial

Sec. 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases

shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment, according to law.

PUBLIC OFFICERS MAY BE REMOVED FOR CAUSE — HOW REMOVED

SEC. 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII

OATH OF OFFICE

OFFICIAL OATHS — HOW ADMINISTERED

SEC. 1. Senators and Representatives and all judicial, state and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment,) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in case of state officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. This oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court, or of a court of Common Pleas, learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII

SUFFRAGE AND ELECTIONS

Qualifications of Electors

* Sec. 1. Every male citizen twenty-one years of age, possessing the

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* Section 1 of Article 8, as given above, is Amendment No. 1, as adopted by a vote of the people November 5, 1901. The section previously read as follows:

Sec. 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

First. He shall have been a citizen of the United States at least one month.

Second. He shall have resided in the State one year, (or if, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months,) immediately preceding the election.

Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

Fourth. If twenty-two years of age or upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

General Elections — When Held

Sec. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

Municipal Elections — When Held

Sec. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

Elections to be by Ballot or Other Method — Secrecy in Voting to be Preserved

* Sec. 4. All elections by the citizens shall be by ballot or by such

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* Section 4 of Article 8, as given above, is Amendment No. 3 as adopted by a vote of the people November 5, 1901. The section previously read as follows:

Sec. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his

other method as may be prescribed by law: Provided, That secrecy in voting be preserved.

Electors Privileged from Arrest

Sec. 5. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections and going to and returning therefrom.

Privileges of Electors in Actual Military Service

Sec. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Election and Registration Laws to be Uniform — Registration Laws for Cities may be Enacted

* Sec. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class.

Bribery of Electors — Penalty

Sec. 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote

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name upon his ticket or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

† Section 7 of Article 8, as given above, is Amendment No. 2 as adopted by a vote of the people November 5, 1901. The section previously read as follows:

Sec. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Violation of Election Laws — By Candidates and Others — Penalties

Sec. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Contested Elections — Witnesses Compelled to Testify

Sec. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

Election Districts — Formation of — How Divided

Sec. 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of Quarter Sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of Quarter Sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper

county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

VIVA VOCE ELECTIONS — WHEN USED

SEC. 12. All elections by persons in a representative capacity shall be *viva voce.*

RESIDENCE AND RIGHT TO VOTE OF GOVERNMENT OFFICIALS AND CERTAIN OTHER ELECTORS

SEC. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum at public expense, nor while confined in public prison.

DISTRICT ELECTION BOARDS — OF WHAT CONSISTING — PRIVILEGES

SEC. 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

ELECTION OFFICERS — QUALIFICATIONS OF — ELIGIBILITY TO CIVIL OFFICE

SEC. 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and alder-

men, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Overseers of Election — How Appointed — Number of — Qualifications — Powers of

Sec. 16. The courts of Common Pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Trial of Contested Elections — To be by Courts of Law — Legislature to Pass Laws Regulating

Sec. 17. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether state, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX

TAXATION AND FINANCE

UNIFORMITY OF TAXATION — EXEMPTIONS UNDER GENERAL LAWS

SEC. 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

EXEMPTION FROM TAXATION RESTRICTED

SEC. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

TAXATION OF CORPORATIONS

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

STATE DEBTS — CREATION OF, RESTRICTED

SEC. 4. No debt shall be created by or on behalf of the State except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

LAWS AUTHORIZING STATE INDEBTEDNESS SHALL SPECIFY THE PURPOSE

SEC. 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Pledging of State Credit — Holding of Certain Securities Prohibited

Sec. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint-owner or stockholder in any company, association or corporation.

Municipalities not to become Stockholders in Corporations, &c.

Sec. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Municipal Debt, Amount of, Limited

Sec. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by laws; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

State not to Assume Municipal Debts — Exceptions

Sec. 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

MUNICIPALITIES INCURRING INDEBTEDNESS MUST PROVIDE FOR PAYMENT BY ANNUAL TAX

SEC. 10. Any county, township, school district or other municipality, incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

STATE SINKING FUND — OF WHAT CONSISTING — TO BE INCREASED — HOW EXPENDED

SEC. 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

SURPLUS FUNDS APPLIED TO STATE INDEBTEDNESS — SINKING FUND INVESTMENTS

SEC. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States, or of this State.

RESERVE FUNDS LIMITED — MONTHLY STATEMENTS TO BE PUBLISHED

SEC. 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be

published showing the amount of such moneys, where the same are deposited, and how secured.

MISUSE OF PUBLIC MONEYS — PENALTY FOR

SEC. 14. The making of profit out of the public moneys, or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

ARTICLE X

EDUCATION

PUBLIC SCHOOLS PROVIDED FOR

SEC. 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

SECTARIAN SCHOOLS NOT TO RECEIVE PUBLIC SCHOOL MONEY

SEC. 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

FEMALES ELIGIBLE AS SCHOOL OFFICERS

SEC. 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI

MILITIA TO BE ORGANIZED — MAINTENANCE — EXEMPTION FROM MILITARY SERVICE

SEC. 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defence when and in such manner as may be directed by law. The General Assembly shall provide for maintaining

the militia by appropriations from the treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII

PUBLIC OFFICERS

Selection of Officers not Otherwise Provided for in Constitution

Sec. 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

United States Officers Cannot Hold Remunerative State Offices — Incompatible Offices

Sec. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Dueling Disqualifies from Holding Office — Further Punishment

Sec. 3. Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII

New Counties — Restrictions in Forming

Sec. 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV

COUNTY OFFICERS

County Officers Enumerated — Sheriff and Treasurer Ineligible to Succeed Themselves

Sec. 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Election of County Officers — Terms — Vacancies

Sec. 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

One Year's Residence Necessary to Qualify for Appointment to a County Office

Sec. 3. No person shall be appointed to any office within any county, who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

County Seat — Certain Offices to be Located at

Sec. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Compensation of County Officers — Those Salaried not to Retain Fees

Sec. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees

which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Accountability of County, Township and Borough Officers for Public Moneys

Sec. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

Election of County Commissioners and Auditors — Vacancies — How Filled

Sec. 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of Common Pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV

CITIES AND CITY CHARTERS

When Cities May be Chartered

Sec. 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Municipal Commissions — Contracting of Debts by

Sec. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

City Sinking Funds

Sec. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

ARTICLE XVI

PRIVATE CORPORATIONS

Certain Charters to be Void

Sec. 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Corporate Privileges not to be Increased — Exception

Sec. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

State's Right of Eminent Domain and Police Power to be Supreme

Sec. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Cumulative Voting Permitted in Corporation Elections

Sec. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Foreign Corporations — Regulations Concerning

Sec. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Corporations — Scope of Business Limited — Holding of Real Estate

Sec. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Corporate Stocks and Bonds — Increase of Stock and Indebtedness — Regulated

Sec. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Compensation for Property Taken or Affected Under Right of Eminent Domain — Appeals

Sec. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of

damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

State Banking Laws — Requirements

Sec. 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Alterations and Revocation of Charters — No Law shall Create, Renew or Extend More than One Charter

Sec. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Public Notice Required of Application for Banking Powers — Duration of Charter

Sec. 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Right to Construct Telegraph Lines — Consolidation of Competing Lines Prohibited

Sec. 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of

telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

JOINT-STOCK COMPANIES OR ASSOCIATIONS TREATED AS CORPORATIONS

SEC. 13. The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII

RAILROADS AND CANALS

TO BE PUBLIC HIGHWAYS AND COMMON CARRIERS — RIGHTS AND DUTIES OF RAILROAD COMPANIES

SEC. 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars loaded or empty, without delay or discrimination.

COMPANIES ORGANIZED IN THIS STATE TO MAINTAIN OFFICES AND STOCK BOOKS THEREIN

SEC. 2. Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names

of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

TRANSPORTATION OF PERSONS AND PROPERTY — UNDUE DISCRIMINATION PROHIBITED — SPECIAL RATE TICKETS

SEC. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

PARALLEL OR COMPETING LINES NOT TO BE CONSOLIDATED — OFFICERS OF, RESTRICTED — JURIES TO DECIDE WHETHER COMPANIES ARE

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

POWERS OF INCORPORATED COMMON CARRIERS LIMITED — PRIVILEGES OF MINING AND MANUFACTURING COMPANIES

SEC. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such

company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

Officers and Employés not to be Interested in Company's Contracts or Transportation Business

Sec. 6. No president, director, officer, agent or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Discriminations and Preferences in Charges and Facilities Forbidden

Sec. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employé thereof, shall make any preferences in furnishing cars or motive power.

Granting of Passes Limited

Sec. 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employé of the company.

Consent of Local Authorities Necessary for Construction of Street Railways

Sec. 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

Acceptance of this Article necessary for Future Legislation

Sec. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit

of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Powers and Duties of Secretary of Internal Affairs in Regard to Transportation Companies

Sec. 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

General Assembly to Enforce Provisions of this Article

Sec. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII

FUTURE AMENDMENTS

Amendments to Constitution — How Made

Sec. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and, if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in

such manner, and at such time at least three months after being so agreed to by the two houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

SCHEDULE

When Constitution Shall Take Effect

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared, that:

Sec. 1. This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein.

What Laws, Rights, &c., to Remain in Force

Sec. 2. All laws in force in this Commonwealth at the time of the adoption of this Constitution and not inconsistent therewith, and all rights, actions, prosecutions and contracts shall continue as if this Constitution had not been adopted.

Election of Senators in 1874 and 1875

Sec. 3. At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five Senators shall be elected in all districts where there shall be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

Election of Senators in 1876

Sec. 4. At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected from even numbered

districts to serve for two years, and from odd numbered districts to serve for four years.

ELECTION OF GOVERNOR IN 1875 AND 1878

SEC. 5. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years, and the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

ELECTION OF LIEUTENANT GOVERNOR IN 1874

SEC. 6. At the general election in the year one thousand eight hundred and seventy-four a Lieutenant Governor shall be elected according to the provisions of this Constitution.

ELECTION OF SECRETARY OF INTERNAL AFFAIRS — OFFICE OF SURVEYOR GENERAL ABOLISHED

SEC. 7. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution, and, when the said officer shall be duly elected and qualified, the office of Surveyor General shall be abolished. The Surveyor General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

OFFICE OF SUPERINTENDENT OF COMMON SCHOOLS ABOLISHED

SEC. 8. When the Superintendent of Public Instruction shall be duly qualified the office of Superintendent of Common Schools shall cease.

ELIGIBILITY TO RE-ELECTION OF PRESENT STATE OFFICERS

SEC. 9. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term ineligible for re-election at the end of such term.

JUDGES OF SUPREME COURT — EXPIRATION OF TERMS — ADDITIONAL JUDGES TO BE ELECTED

SEC. 10. The judges of the Supreme Court in office when this Constitution shall take effect shall continue until their commissions severally

expire. Two judges in addition to the number now composing the said court, shall be elected at the first general election after the adoption of this Constitution.

Certain Courts Abolished on Dec. 1, 1875 — Court of First Criminal Jurisdiction for Counties of Schuylkill, Lebanon and Dauphin Abolished

Sec. 11. All courts of record and all existing courts which are not specified in this Constitution shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer. The Court of First Criminal Jurisdiction for the counties of Schuylkill, Lebanon and Dauphin is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the courts of Oyer and Terminer and Quarter Sessions of the Peace of said county.

Registers' Courts Abolished

Sec. 12. The Registers' courts now in existence shall be abolished on the first day of January next succeeding the adoption of this Constitution.

When Judicial Districts to be Designated — Assignment of Judges to Districts

Sec. 13. The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the President Judge shall elect to which district he shall be assigned and the additional law judge shall be assigned to the other district.

How Often Judicial Districts shall be Designated

Sec. 14. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

Expiration of Terms of Certain Judges — Judge of Common Pleas Court of Schuylkill County

Sec. 15. Judges, learned in the law, of any court of record holding commissions in force at the adoption of this Constitution shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the President Judge of the Court of First Criminal Jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the Court of Common Pleas of Schuylkill county, for the unexpired term of his office.

Who shall Become President Judges — Terms of Associate Judges

Sec. 16. After the expiration of the term of any President Judge of any court of Common Pleas in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the President Judge thereof, and when two or more judges are elected at the same time in any judicial district they shall decide by lot which shall be President Judge; but when the President Judge of a court shall be re-elected he shall continue to be President Judge of that court. Associate judges, not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

Fixing Compensation of Judges

Sec. 17. The General Assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth, and the provisions of the fifteenth section of the article on Legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

Common Pleas Courts in Philadelphia and Allegheny Counties — Organization of, in Philadelphia

Sec. 18. The courts of Common Pleas in the counties of Philadelphia and Allegheny shall be composed of the present judges of the Dis-

trict Court and court of Common Pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected. For the purpose of first organization in Philadelphia the judges of the court number one shall be Judges Allison, Pierce and Paxson; of the court number two Judges Hare, Mitchell and one other judge to be elected; of the court number three Judges Ludlow, Finletter and Lynd; and of the court number four Judges Thayer, Briggs and one other judge to be elected. The judge first named shall be the President Judge of said courts respectively, and thereafter the President Judge shall be the judge oldest in commission; but any President Judge, re-elected in the same court or district, shall continue to be President Judge thereof. The additional judges for courts number two and four shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional judges of the Supreme Court, and they shall decide by lot to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

ORGANIZATION OF COMMON PLEAS COURTS IN ALLEGHENY COUNTY

SEC. 19. In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the court of Common Pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the District Court, at the same date, shall be the judges of the Common Pleas number two. The President Judges of the Common Pleas and District Court shall be President Judge of said courts numbers one and two, respectively, until their offices shall end; and thereafter the judge oldest in commission shall be President Judge; but any President Judge re-elected in the same court, or district, shall continue to be President Judge thereof.

WHEN ORGANIZATION OF COMMON PLEAS COURTS IN PHILADELPHIA AND ALLEGHENY COUNTIES SHALL TAKE EFFECT

SEC. 20. The organization of the courts of Common Pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall continue with

their present powers and jurisdiction until that date, but no new suits shall be instituted in the courts of *Nisi Prius* after the adoption of this Constitution.

Trial and Disposition of Causes and Transfer of Records in Philadelphia County

Sec. 21. The causes and proceedings pending in the court of *Nisi Prius* court of Common Pleas, and District Court in Philadelphia shall be tried and disposed of in the court of Common Pleas. The records and dockets of said courts shall be transferred to the prothonotary's office of said county.

Trial and Disposition of Causes in Allegheny County

Sec. 22. The causes and proceedings pending in the court of Common Pleas in the county of Allegheny shall be tried and disposed of in the court number one; and the causes and proceedings pending in the District Court shall be tried and disposed of in the court number two.

Appointment of Prothonotary in Philadelphia — Clerk of Quarter Sessions

Sec. 23. The Prothonotary of the court of Common Pleas of Philadelphia shall be first appointed by the judges of said court on the first Monday of December, in the year one thousand eight hundred and seventy-five, and the present Prothonotary of the District Court in said county shall be the Prothonotary of the said court of Common Pleas until said date when his commission shall expire, and the present Clerk of the court of Oyer and Terminer and Quarter Sessions of the Peace in Philadelphia shall be the Clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

Aldermen in Cities other than Philadelphia Containing over Fifty Thousand Inhabitants

Sec. 24. In cities containing over fifty thousand inhabitants, except Philadelphia, all aldermen in office at the time of the adoption of this Constitution shall continue in office until the expiration of their commissions, and at the election for city and ward officers in the year one

thousand eight hundred and seventy-five one alderman shall be elected in each ward as provided in this Constitution.

Magistrates to Succeed Aldermen in Philadelphia

Sec. 25. In Philadelphia magistrates in lieu of aldermen shall be chosen, as required in this Constitution, at the election in said city for city and ward officers in the year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding their election. The terms of office of aldermen in said city holding or entitled to commissions at the time of the adoption of this Constitution shall not be affected thereby.

Expiration of Term of Present Officers

Sec. 26. All persons in office in this Commonwealth at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

Administration of Oath of Office

Sec. 27. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

Expiration of Terms of Present County Commissioners and Auditors

Sec. 28. The terms of office of County Commissioners and County Auditors, chosen prior to the year one thousand eight hundred and seventy-five, which shall not have expired before the first Monday of January in the year one thousand eight hundred and seventy-six, shall expire on that day.

Compensation of Present Officers may Include Fees

Sec. 29. All state, county, city, ward, borough and township officers in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office.

State and Judicial Officers now in Office to take Oath to Support this Constitution

Sec. 30. All state and judicial officers heretofore elected, sworn, affirmed, or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath, or affirmation, to support this Constitution.

General Assembly to Pass Laws Necessary to Enforce Constitution

Sec. 31. The General Assembly at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

Ordinance Submitting Constitution to Vote of Electors Declared Valid

Sec. 32. The ordinance passed by this Convention entitled "An Ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof" shall be held to be valid for all the purposes thereof.

The Term "County Commissioners" to Include the Philadelphia Commissioners

Sec. 33. The words "County Commissioners," wherever used in this Constitution and in any ordinance accompanying the same, shall be held to include the Commissioners for the City of Philadelphia.

Date of Adoption by the Constitutional Convention — Signers

Adopted at Philadelphia, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-three.

JOHN H. WALKER,
President.

D. L. IMBRIE,
Ch. Clerk.

GEORGE A. ACHENBACH,
JOHN E. ADDICKS,
WM. H. AINEY,
HAMILTON ALRICKS,
G. W. ANDREWS,
WM. H. ARMSTRONG,
WM. J. BAER,
JOSEPH BAILY, Perry Co.,

JNO. M. BAILEY,
WILLIAM D. BAKER,
THOS. B. BANNAN,
GEO. G. BARCLAY,
JOHN BARDSLEY,
JAMES P. BARR,
LIN. BARTHOLOMEW,
M. C. BEEBE,
WM. BIGLER,
C. A. BLACK,
CHAS. O. BOWMAN,
CHARLES BRODHEAD,
J. M. BROOMALL,
R. BROWN,
C. R. BUCKALEW,
JOHN C. BULLITT,
SAML. CALVIN,
JOHN H. CAMPBELL,
HENRY C. CAREY,
LEWIS C. CASSIDY,
PEARSON CHURCH,
SILAS M. CLARK,
THOS. E. COCHRAN,
WM. L. CORBETT,
GEORGE N. CORSON,
JNO. P. CRONMILLER,
JAMES W. CURRY,
A. G. CURTIN,
THEO. CUYLER,
GEO. M. DALLAS,
WM. DARLINGTON,
WM. DAVIS,
R. M. de FRANCE,
S. C. T. DODD,
A. B. DUNNING,
MATTHEW EDWARDS,
M. F. ELLIOTT,
JAS. ELLIS,
THOS. EWING,
A. C. FINNEY,
A. M. FULTON,
JOSIAH FUNCK,
JOHN GIBSON,
JOHN GILPIN,
HENRY GREEN,
J. B. GUTHRIE,
JNO. G. HALL,
WILLIAM B. HANNA,
EDWARD HARVEY,
MALCOLM HAY,
T. R. HAZZARD,
JOS. HEMPHILL,
JAMES H. HEVERIN,
GEO. F. HORTON,
THOS. HOWARD,
CHAS. HUNSICKER,
D. KAINE,
E. C. KNIGHT,
R. A. LAMBERTON,
AUG. S. LANDIS,
GEO. V. LAWRENCE,
WM. LILLY,
W. E. LITTLETON,
WAYNE MacVEAGH,
THOMAS MacCONNELL,
JOEL B. McCAMANT,
WM. McCLEAN,
JNO. McCULLOCH,
MORTON McMICHAEL,
JOHN McMURRAY,
FRANK MANTOR,
JNO. J. METZGER,
SAMUEL MINOR,
LEWIS Z. MITCHELL,
JAMES W. M. NEWLIN,
JEROME B. NILES,
G. W. PALMER,
HENRY W. PALMER,
HENRY C. PARSONS,
D. W. PATTERSON,
T. H. BAIRD PATTERSON,
JOSEPH G. PATTON,
DAN S. PORTER,
LEWIS PUGHE,
ANDREW A. PURMAN,
JOHN N. PURVIANCE,
SAML. A. PURVIANCE,
JOHN R. READ,
AND. REED,
LEVI ROOKE,
GEO. ROSS,
C. M. RUNK,
SAML. L. RUSSELL,
J. McDOWELL SHARPE,
J. ALEXANDER SIMPSON,
H. G. SMITH,
HENRY W. SMITH,
WM. H. SMITH,
M. HALL STANTON,
JNO. STEWART,

THOMAS STRUTHERS,
BENJAMIN L. TEMPLE,
WM. J. TURRELL,
HENRY VAN REED,
J. M. WETHERILL,
JNO. PRICE WETHERILL,
SAML. M. WHERRY,
DAVID N. WHITE,
HARRY WHITE,
GEO. W. WOODWARD,
EDWARD R. WORRELL,
CALEB E. WRIGHT.

Filed in the Office of the Secretary of the Commonwealth, November 13, 1873.

M. S. QUAY,
Secretary of the Commonwealth

AMENDMENTS TO THE CONSTITUTION OF PENNSYLVANIA

Amendment No. 1

On November 5, 1901, Section 1 of Article 8, by a vote of 214,798 for and 45,601 against, was amended so as to read as follows:

Sec. 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Amendment No. 2

On November 5, 1901, Section 4 of Article 8, by a vote of 194,053 for and 41,203 against, was amended so as to read as follows:

SEC. 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, That secrecy in voting be preserved.

AMENDMENT NO. 3

On November 5, 1901, Section 7 of Article 8, by a vote of 180,521 for and 48,634 against, was amended so as to read as follows:

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class.

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